JOURNAL

OF THE

SENATE

OF THE

STATE OF ALABAMA

REGULAR SESSION OF 1969

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 6, 1969

Vol. II

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1969

TWENTY-FOURTH LEGISLATIVE DAY

MONDAY, JULY 28, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by Mr. Carroll W. Puckett, Minister, Gay Meadows Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

JOURNAL

On motion of Mr. Lolley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and

containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Radney:

S. 733. To amend Code of Alabama 1940, Title 51, Section 545, levying a privilege license tax on lightning-rod salesmen to make further provisions for levying such privilege licenses.

Committee on Finance and Taxation.

By Mr. Jackson:

S. 734. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

Committee on Local Legislation No. 1.

By Mr. Jackson:

S. 735. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

Committee on Local Legislation No. 1.

By Mr. Jackson:

S. 736. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act #411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act #411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240 regular session 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 411, H. 742, Regular Session 1963 (Acts, 1963, p. 912) is amended to read as follows:

"Section 2. A chairman of the Board shall be elected by the qualified electors of the county at the general election of state and county officers in 1964, and every four years thereafter, and shall hold office for a term of four years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The chairman must possess the same qualifications for office as the general law prescribes for probate judges. He shall be entitled to an annual salary of Six Thousand Six Hundred dollars ($6,600.00) payable from the county treasury in equal monthly installments, which shall be his entire compensation for performance of the duties of his office and all ex officio duties imposed by law. In addition, he shall be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of Two Thousand Four Hundred Dollars ($2,400.00) per annum, which shall be payable from the county treasury in equal monthly installments.

Section 2. Section 4 of said Act is amended to read as follows:

"Section 4. The associate members of the Board shall each receive an annual salary of Five Thousand Four Hundred ($5,400.00) Dollars. The salaries of the associate members of the Board shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, and shall be their entire compensation for the services required of them by this Act. In addition to his salary, each member of the Board shall also be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of One Thousand Eight Hundred Dollars ($1,800.00) per annum which shall be payable from the county treasury in equal monthly installments."

Section 3. The last sentence in Section 6 of said Act is amended to read as follows:

"Section 6. . . . . The Board may appoint one (1) Chief Clerk with a salary to be fixed by the Board, which salary shall be paid by the County, and may also appoint such clerical assistants as may be necessary."

Section 4. Act 724 H. 1240, Regular Session 1965 is repealed in its entirety.

Section 5. This Act shall become effective October 1, 1969.

PROOF OF PUBLICATION

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Tom Gardner, owner and publisher of The Brewton Standard,

hereby certify that the attached notice is a true and correct copy of notice published in said Brewton Standard 1 a week for 4 consecutive weeks, namely in the issues of June 26, 1969, July 3, 1969, July 10, 1969, July 17, 1969.

I further certify that the said Brewton Standard is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Brewton, Alabama, where it is published, for more than 52 consecutive weeks.

TOM GARDNER.

Subscribed and sworn to before me this 21 day of July, 1969.

ALICE SUMMERVILLE,
Notary Public, State at Large, Ala.

By Mr. Jackson:

S. 737. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Escambia County shall be authorized to employ not more than eight deputies, including jailers and clerks. The salaries of said deputies to be paid out of the general fund of the county and to be within the limits set out below.

Section 2. The chief deputy shall be entitled to a salary of not less than $550.00 per month and not more than $600.00 per month.

Section 3. The second deputy shall be entitled to a salary of not less than $525.00 per month and not more than $575.00 per month.

Section 4. The sheriff of said county shall be authorized to employ three deputies to be assigned to such municipalities outside of the corporate limits of the county seat as shall be designated by the sheriff. The deputies so employed by the sheriff pursuant to this section shall be entitled to a salary of not less than $460.00 per month and not more than $510 per month.

Section 5. The two deputies acting as jailers shall be entitled to a salary of not less that $400.00 per month and not more than $450.00 per month.

Section 6. The deputy acting as clerk shall be entitled to a salary of not less than $350.00 per month and not more than $400.00 per month.

Section 7. The salaries provided for in this act shall be in lieu of any and all compensation now provided by law for sheriff's deputies in Escambia County.

Section 8. The salary actually to be paid to each deputy, within the limits provided by this act, shall be determined by the Board of

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. The provision of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Tom Gardner, owner and publisher of The Brewton Standard, hereby certify that the attached notice is a true and correct copy of notice published in said Brewton Standard 1 a week for 4 consecutive weeks, namely in the issues of July 3, 1969, July 10, 1969, July 17, 1969, July 24, 1969.

I further certify that the said Brewton Standard is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Brewton, Alabama, where it is published, for more than 52 consecutive weeks.

TOM GARDNER.

Subscribed and sworn to before me this 25 day of July, 1969.

ALICE SUMMERVILLE,
Notary Public, State at Large, Ala.

By Mr. Jackson:

S. 738. To alter and rearrange the boundary lines of the city of Brewton, Alabama so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said city.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a local bill reading substantially as follows will be introduced for passage by the Legislature of Alabama:

AN ACT

To Alter and Rearrange The Boundary Lines Of The City Of Brewton, Alabama So As To Include Within The Corporate Limits Of Said City All Territory Now Within Such Corporate Limits And Also Certain Other Territory In Escambia County, Alabama Contiguous To Said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama, be and the same are altered and rearranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

The North Half of the Northeast Quarter (N½ of NE¼), and the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) of Section Sixteen (16), Township Two (2) North of Range Ten (10) East.

The Southeast Quarter (SE¼) of Section Nine (9), Township Two (2) North of Range Ten (10) East.

All of the North Half (N½) of Section Nine (9), Township Two (2) North of Range Ten (10) East that lies East and South of the Old Castleberry Road.

All of the South Half of the South Half (S½ of S½) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies South and East of the Old Castleberry Road.

All of the Southeast Quarter of Southwest Quarter (SE¼ of SW¼) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies North and East of the Old Castleberry Road.

Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section Fifteen (15) Township Two (2), Range Ten (10).

The North Half of Southwest Quarter (N½ of SW¼) of Section Four (4), Township Two (2) North of Range Ten (10) East.

The South Half of Northwest Quarter (S½ of NW¼) and the Southwest Quarter of Northeast Quarter (SW½ of NE¼); all in Section Four (4), Township Two (2) North of Range Ten (10) East.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Tom Gardner, owner and publisher of The Brewton Standard, hereby certify that the attached notice is a true and correct copy of notice published in said Brewton Standard 1 a week for 4 consecutive weeks, namely in the issues of June 26, 1969, July 3, 1969, July 10, 1969, July 17, 1969.

I further certify that the said Brewton Standard is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at

Brewton, Alabama, where it is published, for more than 52 consecutive weeks.

TOM GARDNER.

Subscribed and sworn to before me this 25 day of July, 1969.

ALICE SUMMERVILLE,
Notary Public, State at Large, Ala.

By Mr. Folsom:

S. 739. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICES

A BILL
TO BE ENTITLED
AN ACT

To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Hanceville, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Hanceville, Alabama, and in addition thereto the following described territory, to wit:

TRACT I A parcel of land located in the East Half of Section 19, Township 11 South, Range 2 West described as follows: Beginning at the SE Corner of said Section 19, thence West along the section line for a distance of 1470 feet to a point; thence north and parallel with east section line for a distance of 3960 feet more or less to a point on the present corporate line and being the south forty line of the NW¼ of NE¼ of Section 19; thence easterly along present corporate line to the east section line; thence south along section line and present corporate line to the point of beginning, 120 acres more or less, and located in Cullman County, Alabama.

TRACT II A parcel of land located in the North Half of Section 21, Township 11 South, Range 2 West, the South Half of Section 16, and the East Half of Section 20, described as follows: Beginning at a point where the Center Hill Road intersects the present Town Corporate limits and said point being 1929.2 feet south and west 680.9 feet of the NE Corner of said Section 21; thence northeasterly along center of Center Hill Road to a point on the East Section Line of said Section 16, and being North 653.3 feet of the SE Corner of said section 16; thence continuing north along section line for a distance of 766.7 feet to a point in the center of Alabama Highway No. 91; for a distance of 6905 feet to a point on the present Corporate Limits in the center

of Moulton Road, said point being South 2596.3 feet and West 5620 feet West of the NE Corner of said Section 21; thence easterly along the present Corporate Limits to the point of beginning, the above described containing 203 acres, more or less, in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, May 14, May 21, and May 28 all in the year 1969.

ROBERT BRYAN,
Publisher.

Dated this the 22 day of July, 1969.

SUE EVANS,
Notary Public.

My commission expires May 21, 1972.

By Mr. Giles:

S. 740. To amend Sections 1 and 2 of Act No. 486, H. 765, approved July 9, 1943, an act creating the Cahaba Historical Commission, so as to increase the membership of the board of trustees; to provide for the manner of their appointment; and to grant additional authority to the board.

Committee on Forestry and Conservation.

By Mr. Givhan:

S. 741. To establish as a criminal offense in this State, the interference or attempted interference by force or threat of force with the performance by any public official of any duty imposed upon him by law.

Committee on Judiciary.

By Messrs. Pierce and Goodwyn:

S. 742. To validate moral obligations, not exceeding five hundred dollars ($500.00) in amount, paid by the Alabama Industrial School for Negro Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

Committee on Finance and Taxation.

By Mr. McDermott:

S. 743. To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising

revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

Committee on Finance and Taxation.

By Mr. Oden:

S. 744. Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

Committee on Local Legislation No. 1.

By Messrs. Pelham, McDermott and Engel:

S. 745. Proposing an amendment to the Constitution of Alabama to authorize and direct the governing body of Mobile County to pay to the governing body of any municipality within Mobile County the proceeds of the one-fourth of one per centum tax on the taxable property located within such municipality.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Harris:

S. 746. To provide for expense allowances of members of Boards of Education of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

Committee on Local Legislation No. 1.

By Messrs. Nabors, Radney and Albea:

S. 747. To authorize Alabama Trade School and Junior College Authority to sell and issue additional bonds for the construction, reconstruction, improvement, alteration, or equipping of junior colleges and trade schools; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely from the revenues of said Authority; to authorize said Authority to pledge for payment of the principal of and interest on said bonds the funds that are appropriated and pledged in this Act for that purpose; to provide that said bonds shall constitute negotiable securities even though payable from a limited source; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to direct the State Treasurer to pay the principal of and interest on said bonds out of the funds so appropriated and pledged; to provide that any portion of this Act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Committee on Finance and Taxation.

By Messrs. Skidmore, Gilmore, Morrow, Vacca, Bailes, Hawkins, Dominick, Givhan, McCarley and Childs:

S. 748. Relating to state parks, memorials and historical sites; establishing the Tannehill Furnace and Foundry Commission as a state agency to acquire, renovate, maintain and exhibit the old Tannehill Furnace in the County of Tuscaloosa; and to establish, create, manage, control and operate a state memorial park for the exhibition of this old furnace and the processes of iron making and for other related purposes; prescribing the authority, powers, duties and functions of the commission and its members and officers; forbidding members of the commission or employees thereof to engage in certain dealings with the commission and prescribing penalties therefor; and making an appropriation.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Radney (with notice and proof):

S. 669. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

By Mr. Radney (with notice and proof):

S. 670. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

By Mr. Harris (with notice and proof):

S. 702. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory:

By Mr. Burgreen (with notice and proof):

H. 681. Relating to the Board of Revenue of Limestone County; temporarily increasing the expense allowances for members of said board; fixing the salaries of the members, and reducing expense allowances effective with the new salaries.

By Mr. Burgreen (with notice and proof)

H. 682. To create and establish in Limestone County in lieu of the existing court created by Act No. 199, H. 603, Regular Session 1947 (Local Acts 1947, p. 113) and amendments thereto, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and equity to be known as the Limestone County Superior Court; to provide for its procedure, costs and fees; to provide for its officers, their duties, power and compensation, and to provide for the transfer of cases.

By Mr. Burgreen (with notice and proof):

H. 691. To provide for the compensation and expense allowances for

certain officers and employees of Limestone County; to provide additional allowances for the employment of deputies, clerks, and other assistants.

By Mr. Burgreen (with notice and proof):

H. 693. Relating to Limestone County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

By Messrs. Doss and Slate:

H. 801. To apply only in counties having populations of not less than 57,000 nor more than 61,000, providing an expense allowance payable from the county treasury for the use of the coroner.

By Mr. Burgreen:

H. 909. To provide an expense allowance for the judge of probate in all counties having populations of not less than 35,700 nor more than 36,600, such allowance to be payable out of the general funds of the respective counties, and to expire at the end of the term of office of the incumbent judges of probate.

By Messrs. Bassett and Hardin (with notice and proof):

H. 1011. Relating to the City of Troy in Pike County: Authorizing the City of Troy as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the municipal corporation transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

By Mr. Burgreen:

H. 1040. To provide additional allowances out of the county treasury for clerk hire for temporary or part time clerks or other assistants for certain county officers in all counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census.

By Mr. Smith:

H. 1055. Relating to cities operating under the commission form of government for more than thirty years having a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, fixing the election and terms of office, the salaries and duties of the members of the Board of Commissioners of such cities.

By Mr. Smith:

H. 1057. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of county offices in Talladega County.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Smith and Bolton:

H. 1059. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the twenty-ninth judicial circuit.

By Messrs. Bolton and Smith:

H. 1060. Relating to counties having populations of not less than 65,000 nor more than 95,000; authorizing the county governing body of any such county and the governing body of any municipality within any such county to contribute public funds for a volunteer rescue squad.

By Mr. Young:

H. 1064. To amend Section 1 of Act No. 60, H. 395 of the current Regular Session 1969, an Act regulating the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000, according to the latest federal census, so as to establish a minimum for such compensation.

By Messrs. Beck and Meade (with notice and proof):

H. 251. An act relating to the municipality of the City of Fort Payne, in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

By Mr. Williams:

H. 788. Relating to all counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial census; authorizing, but not requiring, the governing body of each of such counties to fix the amount and prescribe the manner of compensating the members of the jury commissions of the county.

By Mr. Williams:

H. 789. Relating to counties having a population of not less than 36,600 and not more than 37,600 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

By Messrs. Beck and Meade (with notice and proof):

H. 980. Relating to DeKalb County; providing for nomination and election at large of members of the county commission, repealing conflicting laws.

By Messrs. Beck and Meade (with notice and proof):

H. 823. Changing and extending the corporate limits of the Town of Collinsville, DeKalb County, Alabama.

Mr. Skidmore, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments and it was read a second time and placed on the calendar, to-wit:

By Mr. Skidmore (with amendments):

S. 549. Defining, regulating, and providing for the licensing of em-

ployment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the Department of Labor and the director thereof to enforce and administer this Act and defining the powers and duties of such department and director relative thereto; prescribing penalties; and repealing conflicting laws.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clark:

S. 714. To authorize the court of county commissioners, board of revenue, or like governing body of the several counties of this state, to appropriate funds of the county to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wood et al:

H. 697. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding $3,000,000 in principal amount for certain public buildings in the said county, to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to the said constitution, as amended, providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of the said county contained in Section 224 of the said constitution, and specifying certain details pertaining to the said bonds and the sale thereof.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Wood et al:

H. 695. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County and making a change in the purposes for which may be levied and distributed the special tax authorized by the amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended.

The above Bill was read a second time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 726, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 726 with suggested Executive Amendment.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

July 8, 1969

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith House Bill No. 726 without my approval and suggest that said House Bill No. 726 be amended to insert immediately after the words "cognizable before a juvenile court" in the third sentence from the last sentence in Section 2, the following: ", and the provisions of Chapter 7, Title 13, Code of Alabama 1940, as amended, shall apply;".

I have discussed this matter with the sponsor of this legislation and this proposed Executive Amendment is agreeable to him.

Respectfully,

ALBERT P. BREWER,
Governor.

July 8, 1969

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 726, by a vote of Yeas 80, Nays 0, which was a majority of the whole number elected to the House, and said bill:

H. 726. Relating to Elmore County: abolishing the Elmore County Law & Juvenile Court and establishing in lieu thereof a court of record to be known as the Elmore County Court; defining the court's jurisdiction and powers; providing for its officers, and for their powers, duties, and compensation; providing for the creation of two divisions of the court, to be known as "The Tallassee Division" and "The Wetumpka Division"; providing for the holding of terms and the sessions of the divisions; providing for the rules and procedure of the court; providing for fees and costs of Court; and providing for the transfer of all cases pending in the Elmore County Law & Juvenile to the Elmore County Court.

as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed by a vote of Yeas 80, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Radney, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 726, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Radney	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 726, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Radney	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

UNFINISHED BUSINESS

RESOLUTIONS

The Senate proceeded to consideration of the Unfinished Business for today, the first of which was the Resolution:

S. R. 50. Setting Special Orders.

And said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rules Committee:

H. J. R. 84. WHEREAS upon passage of House Joint Resolution No. 74, Act No. 324, approved September 1, 1955, it was the intention of the Legislature that the employees who were employed under said resolution would conform to the definition of "Employee" under Act No. 515 of the 1945 Legislature and would be eligible for coverage in the Employees' Retirement System of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such employees as were employed under said resolution shall be eligible for coverage in the Employees' Retirement System of Alabama as other employees are covered and that service rendered prior to and following September 1, 1955 shall be creditable in the Employees' Retirement System of Alabama upon payment of contributions, which would have been made had these employees been allowed to join such retirement system, plus regular interest to date of payment. Such payment shall be made within eight months after passage of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Nabors, the Rules were suspended and the Resolution, H. J. R. 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H.1, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 1, with suggested Executive Amendment.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

July 8, 1969

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith, the Body in which it originated, House Bill No. 1 without my approval.

I respectfully suggest that Section 11 of House Bill No. 1 be amended to read as follows:

"Section 11. This act shall become effective October 1, 1969."

I have discussed this amendment with the sponsors of this legislation and it is at their request that this Executive Amendment is made.

Respectfully,

ALBERT P. BREWER,
Governor.

July 8, 1969

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1, by a vote of Yeas 73, Nays 0, which was a majority of the whole number elected to the House, and said bill:

H. 1. Relating to all counties having populations of not less than 48,100 nor more than 49,700 according to the most recent federal decennial census; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge; requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

As amended by the amendment proposed by his Excellency, the Governor, was again read at length and passed by a vote of Yeas 75, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Jackson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B.1, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Nabors	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Nabors	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 470. To change the method of compensating certain officers of Tallapoosa County; placing such officers on a salary basis at the expiration of certain terms and providing for the operation of their offices on such basis; providing that this act shall be subject to the ratification of a certain amendment to the Constitution and the approval of the voters of Tallapoosa County voting thereon.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Radney, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 470, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 470

In Section 1 (a), strike out the figures—$16,000, and insert in lieu thereof the figures—$18,000.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, which was the Bill:

S. 8. To provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats, and equines, and poultry, and the preparation of the carcasses, parts thereof, meat and meat food products of such animals; solely for distribution in this State; for the regulation of related industries; for the cooperation with the United States Department of Agriculture; for quarantine, seizure, condemnation and destruction of carcasses, parts thereof and meat and poultry products; for promulgation of regulations; prohibiting certain acts relative to said meat and meat products, the preparation, transportation, labeling and distribution thereof, and providing penalties; the designation of the Commissioner of Agriculture and Industries of the State of Alabama as the supervising agency of the State of Alabama and the authorization of the said Commissioner and the Board of Agriculture and Industries of the State of Alabama to promulgate rules and regulations relating to all of the aforesaid.

The Standing Committee on Agriculture reported the following substitute for the Bill, S. B. 8, to-wit:

SUBSTITUTE FOR SB 8

A BILL
TO BE ENTITLED
AN ACT

To provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats, and equines, and poultry, and the preparation of the carcasses, parts thereof, meat and meat food products of such animals; solely for distribution in this State; for the regulation of related industries; for the cooperation with the United States Department of Agriculture; for quarantine, seizure, condemnation and destruction of carcasses, parts thereof and meat and poultry products; for promulgation of regulations; prohibiting certain acts relative to said meat and meat products, the preparation, transportation, labeling and distribution thereof, and providing penalties; the designation of the Commissioner of Agriculture and Industries of the State of Alabama as the supervising agency of the State of Alabama and the authorization of the said Commissioner and the Board of Agriculture and Industries of the State of Alabama to promulgate rules and regulations relating to all of the aforesaid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

ARTICLE 1

INSPECTION REQUIREMENTS: ADULTERATION AND MISBRANDING

Section 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

(a) The term "Commissioner" means the Commissioner of Agriculture and Industries of the State of Alabama or his duly authorized representative.

(b) The term "firm" means any partnership, association or other unincorporated business organization.

(c) The term "meat broker" means any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules or other equines, or poultry, on commission, or otherwise negotiating purchases or

sales of such articles other than for his own account or as an employee of another person, firm or corporation.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "renderer" means any person, firm or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules or other equines, or poultry, except rendering conducted under inspection under Article 1 of this Act.

(f) The term "animal food manufacturer" means any person, firm or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or other parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules or other equines, or poultry.

(g) The term "intrastate commerce" means commerce within this State.

(h) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats or poultry, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equine shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, goats and poultry.

(1) The term "poultry food product" means any poultry carcass or any part thereof or any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of poultry, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted from definition as a poultry food product by the Commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as poultry food products.

(i) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal unless it is denatured or otherwide identified as required by regulations prescribed by the Commissioner to deter its use as human food, or it is naturally inedible by humans.

(j) The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(k) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2)(A) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Commissioner make such article unfit for human food; (B) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act; (C) If it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; (D) If it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act: provided that an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if it bears or contains any pesticide chemical food additive, or color additive the use of which is prohibited by the regulations of the Commissioner in establishments at which inspection is maintained under Article 1 of this Act.

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been injurious to health;

(5) If it is, in whole or in part, the product of any animal or poultry which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduces its quality or strength, or makes it appear better or of greater value than it is;

(9) If it is margarine containing animal fat and any of the raw material used therein consists in whole or in part of any filthy, putrid or decomposed substance.

(1) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product or poultry or poultry food product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any material particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; with respect to poultry, unless it bears a label showing the name of the packer or distributor whether such is in a container or not; provided, that under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Commissioner;

(6) If any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Commissioner under Section 7 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Commissioner under Section 7 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If, though not subject to the provisions of sub-paragraph (7) of this subparagraph (k) its label does not bear (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Commissioner, be designated as spices, flavorings, and coloring without naming each: provided, that, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impractical, or results in deception or unfair competition, exemption, shall be established by regulations promulgated by the Commissioner;

(10) If it purports to be or is represented for special dietary purposes, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Commissioner, after consultation with the Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: provided, that, to the extent that compliance with the requirements of this subparagraph (11) is impractical, exemption shall be established by regulations promulgated by the Commissioner;

(12) If it fails to bear, directly thereon or on its container, as the Commissioner may by regulation prescribe, the inspection legend, and, unrestricted by any of the foregoing, such other information as the Commissioner

may require in such regulations as to assure that it will not have false or misleading labeling.

(m) The term "label" means a display of written, printed or graphic material upon the immediate container (not including package liners) of any article.

(n) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers or (2) accompanying such article.

(o) The term "Federal Meat Inspection Act" means the Act so entitled approved May 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act approved December 15, 1967 (81 Stat. 584).

(p) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (53 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(q) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(r) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Commissioner to identify the status of any article or animal under this Act.

(s) The term "official inspection legend" means any symbol prescribed by regulations of the Commissioner showing that an article was inspected and passed in accordance with this Act.

(t) The term "official certificate" means any certificate prescribed by regulations of the Commissioner for issuance by an inspector or other person performing official functions under this Act.

(u) The term "official device" means any device prescribed or authorized by the Commissioner for use in applying any official mark.

(v) The term "container" or "package" means any box, can, tin, cloth, plastic or other receptacle, wrapper or cover.

(w) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(x) The term "immediate container" means any consumer package; or any other container in which meat food products or poultry food products, not consumer packaged, are packed.

(y) The term "official establishment" means any establishment as determined by the Commissioner at which inspection of the slaughter of livestock or poultry or the preparation of meat food products or poultry food products is maintained under the authority of this Act.

(z) The term "inspector" means an employee or official of the State of Alabama authorized by the Commissioner, or any employee or official of the government of any county or other governmental subdivision of this State, authorized by the Commissioner to perform any inspection functions under this Act under an agreement between the Commissioner and such governmental subdivision.

(13) Wherever in this Act it is provided that regulations may or shall

be promulgated by the Commissioner, or that any activity or procedure may be regulated by order of the Commissioner, or wherever any words of like import appear, any such regulation so issued and promulgated, for the purpose of implementing this Act, must, before the same shall become effective, be approved and adopted by the Board of Agriculture and Industries of the State of Alabama; likewise, any such regulation so issued and promulgated may, at any time, be altered, amended or rescinded by the said Board of Agriculture and Industries of the State of Alabama. Provided, however, that when it is found by the Commissioner, and such finding is expressed in an official order issued by him, together with his reasons for such finding, any activity, practice or procedure subject to the provisions of this Act is being conducted in such a manner as to constitute or which inherently constitutes a clear and immediate hazard to the Public Welfare, Safety or Health, such activity, practice or procedure may be regulated, controlled or prohibited by a temporary order of the Commissioner, which such temporary order shall be valid for no more than sixty days unless within such period the same is ratified, approved, adopted and promulgated by the Board of Agriculture and Industries of the State of Alabama as a regulation promulgated under the authority of this Act, and in the event such temporary order of the Commissioner is not ratified, approved, adopted and promulgated by the said Board within such period, the Commissioner may not thereafter reissue the same or a substantially similar temporary order with respect to the same activity, practice or procedure by the authority of this provision.

Section 2. Meat and meat food products are an important source of the nation's total supply of food. It is essential to the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, misbranded, or deceptively packaged articles can be sold at lower prices and compete unfairly with wholesome, not adulterated and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the Commissioner and cooperation by this State and the United States as contemplated by this Act are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this Act.

Section 3. For the purpose of preventing the use of intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the Commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed into any slaughtering, packing, meat canning, rendering, or similar establishment in this State in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered, the carcasses of such animals shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Commissioner as herein provided for.

(a) For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of poultry, or poultry food products which are adulterated, the Commissioner shall, where and to the extent considered by him necessary, cause to be made, by inspectors appointed for that purpose, an examination and inspection of all live poultry before they shall be allowed to enter into any slaughtering, packing, meat canning, rendering or similar establishment in this State in which slaughtering and preparation of poultry and poultry food products of such birds are conducted solely for intrastate commerce; and all birds found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other birds, and when so slaughtered the carcasses thereof shall be subject to careful examination and inspection, all as provided by rules and regulations to be prescribed by the Commissioner.

Section 4. For the purposes hereinbefore set forth the Commissioner shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, horses, mules, other equines, and poultry capable of use as human food, to be prepared at any slaughtering, meat canning, salting, packing, rendering, or similar establishment in this State in which these articles are prepared solely for intrastate commerce; and the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled as "inspected and passed"; and said inspectors shall mark, label, stamp, or tag as "inspected and condemned", all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated, and if any carcass or other part thereof shall upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Commissioner may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

Section 5. The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules and other equines, and poultry, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat canning, salting, packing, rendering, or similar establishment where inspection under this Act is maintained, and such examination and inspection shall be had before the said carcasses or part thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products or poultry food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any such slaughtering, meat canning, salting, packing, rendering or similar establishment shall be returned to the same or to any similar establishment where such inspection is maintained. The Commissioner may limit the entry of carcasses, parts of carcasses, meat and meat food products and poultry food products, and other materials into any establishment at which inspection under this Act is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

Section 6. For the purposes hereinbefore set forth the Commissioner shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products and poultry food products prepared in any slaughtering, meat canning, salting, packing, rendering, or similar establishment where such articles are prepared solely for intrastate commerce and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be opened or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Alabama inspected and passed" all such products found to be not adulterated; and said inspectors shall mark, label, stamp, or tag as "Alabama inspected and condemned" all such products found adulterated, and all such condemned meat food products or poultry food products shall be destroyed for food purposes, as hereinbefore provided, and the Commissioner may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Section 7. (a) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "Alabama inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment under the provisions of this Act is maintained, the person, firm or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas or other receptacle or covering, which label shall state that the contents thereof have been "Alabama inspected and passed" under the provisions of this Act, and no inspection and examination of meat or meat food products or poultry food products deposited or enclosed in tins, cans, pots, canvas or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products or poultry food products have been sealed or enclosed in said can, tin, pot, canvas or other receptacle or covering under the supervision of an inspector.

(b) All carcasses, parts of carcasses, meat and meat food products and poultry food products inspected at any establishment under the authority of this Act and found to be not adulterated shall at the time they leave the establishment, bear, in distinctly legible form, directly thereon or on their containers, both shipping container and immediate container, as the Commissioner may prescribe, such information as will insure that the same are not misbranded in contemplation of Section 1, paragraph (1) of this Act.

(c) The Commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe definitions and standards of identity or composition for articles subject to this Article and standards of fill of containers and styles and sizes of types thereof for such articles not inconsistent with any such standards established under the Federal Food, Drug and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the Commissioner and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the Federal standards.

(d) No article subject to this Act shall be sold or offered for sale by any person, firm or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other markings and labeling and containers which are not false or misleading and which are approved by the Commissioner are permitted.

(e) If the Commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this title is false or misleading in any particular, he may direct that such use be discontinued or withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If any person, firm or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Commissioner, such person, firm or corporation may request a hearing before the Commissioner, but the use of the marking, labeling or container shall, if the Commissioner, so directs, be discontinued or withheld pending hearing and final determination by him. Any such determination by the Commissioner shall be conclusive unless within thirty days after receipt of notice of such final determination, the person, firm or corporation adversely affected thereby files a petition in the Circuit Court of the County wherein the person, firm or corporation so using such questioned marking, labeling or container resides or has his or its principal place of business, and such Court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the Commissioner, and thereupon to take testimony and examine into the facts of the case and to determine, without the intervention of a jury, whether or not such questioned marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, and such determination shall, in the absence of fraud, corruption, bad faith or gross abuse of discretion, be final.

Section 8. The Commissioner shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering or similar establishment in which cattle, sheep, swine, goats, horses, mules and other equines, and poultry are slaughtered and the meat and meat products and poultry food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products or poultry food products are rendered adulterated, he shall refuse to allow said meat or meat food products or poultry food products to be labeled, marked, stamped, or tagged as "Alabama inspected and passed".

Section 9. The Commissioner shall cause an examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines, and poultry, and the food products thereof slaughtered and prepared in the establishment hereinbefore described for the purposes of intrastate commerce, as hereinabove directed or provided, to be made during the nighttime as well as during the daytime when the slaughtering of said animals or birds or the preparation of food products therefrom is conducted during the nighttime.

(a) One inspector may be assigned to two or more establishments where few animals or birds are slaughtered or where small quantities of carcasses, meat or poultry, or meat food products and poultry food products are processed. When such inspector assignments are made, the Commissioner shall designate the days and hours when slaughtering and processing will be done.

Section 10. No person, firm or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules or other equines, or poultry, or any carcasses, parts of carcasses, meat or meat food products or poultry food products of any such animals . . .

(a) Slaughter any such animals or birds or prepare any such articles which are capable of being used as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this Act, or

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce (1) any such articles which (A) are capable of use as human food, and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this Act unless they have been so inspected and passed or (C) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such article to be adulterated or misbranded.

Section 11. (a) No brand manufacturer, printer, or other person, firm or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Commissioner.

(b) No person firm or corporation shall—

(1) Forge any official device, mark or certificate;

(2) Without authorization from the Commissioner use any official device, mark or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark or certificate;

(3) Contrary to the regulations prescribed by the Commissioner, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) Knowingly possess, without promptly notifying the Commissioner or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) Knowingly make any false statement in any shipper's certificate or other non-official or official certificate provided for in the regulations prescribed by the Commissioner; or

(6) Knowingly represent that any article has been inspected and passes, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

Section 12. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of any such carcasses, or the meat or meat food products thereof unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Commissioner to show the kinds of animals from which they were derived. With respect to establishments at which inspection is maintained under this article, such animals and their carcasses, parts thereof, meat and meat food products therefrom shall be prepared in facilities completely physically separated from those in which cattle, sheep, swine or goats are slaughtered or their carcasses, parts thereof, meats or meat food products therefrom are prepared.

Section 13. The Commissioner shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines, and poultry, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products and poultry food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products and poultry food products hereinbefore described are prepared; and said inspector shall refuse to stamp, mark, tag or label any carcasses or any part thereof, or food product therefrom, prepared in any establishment hereinbefore mentioned until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Commissioner who shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Commissioner not inconsistent with the provisions of this Act.

Section 14. Any person, firm or corporation, or any agent or employee of any person, firm or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector or any other officer or employee of this State authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Commissioner, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of this State in the discharge of any duty herein provided for, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not less than $5,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of this State authorized to perform any of the duties prescribed by this Act who shall accept money, gift or other thing of value from any person, firm or corporation, or officers, agents, or employees thereof, given with intent to influence his official action or who shall receive or accept from any person, firm or corporation engaged in intrastate commerce any gift, money or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a misdeameanor and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than $100 nor more than $1,000 and by imprisonment for not more than one year.

Section 15. Any meat or meat food products or poultry or poultry food products which have been inspected and graded and passed by inspectors of the United States Department of Agriculture shall be exempt from the provisions of this Act.

Section 16. (a) The Commissioner shall, by regulation and under such conditions as to sanitary standards, practices, procedures and reasonable volume limitations as he may prescribe, exempt from specific provisions of this Act—

(1) The slaughtering by any person of animals of his own raising, and the preparation by him and transportation of the carcasses, parts thereof, meat and meat food products and poultry and poultry food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees;

(2) The slaughtering by any person of animals of his own raising and the preparation by him and transportation of the carcasses, parts thereof, not

to include meat food products or poultry food products, where such are sold directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sale direct to consumers only, provided that no exemption under this subparagraph may be allowed to any person, firm or corporation that engages in slaughtering any of the animals as to which inspection is required by this Act, or buying or selling of carcasses, parts thereof, other than those produced by animals or birds of their own raising, and provided further that no exemption shall be allowed under this subparagraph where the value of the annual sales of such person, firm or corporation of the articles claimed to be exempt under this subparagraph exceed $200.

(3) The custom slaughter by any person, firm or corporation of cattle, sheep, swine or goats or poultry delivered by the owner thereof for such slaughter and the preparation by such slaughterer and transportation of the carcasses, parts thereof, meat and meat food products and poultry products of such animals or birds, exclusively for use, in the household of such owner, by him, and members of his household and his nonpaying guests and employees; provided, that such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products or poultry food products of any cattle, sheep, swine, goats or equines or poultry, capable of use as human food.

(b) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products and poultry food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(c) The provisions of this Act requiring inspection of the slaughter of animals and poultry and the preparation of carcasses, parts thereof, meat and meat food products and poultry food products, shall not apply to articles which have been or are to be processed as required by recognized religious dietary laws to the extent that the Commissioner determines that such may be exempted without jeopardy to the purpose and intent of this Act.

(d) The slaughter of animals and preparation of articles referred to in paragraphs (a) (2), (3), (b) and (c) of this Section shall be conducted in accordance with such sanitary conditions as the Commissioner may by regulations prescribe, and violation of any such regulation is prohibited.

(e) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected or examined under this Section.

Section 17. The Commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat and meat food products and poultry and poultry food products capable of use as human food shall be stored or otherwise handled by any person, firm or corporation engaged in the business of buying, selling, freezing, storing or transporting, in or for intrastate commerce, such articles whenever the Commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer, and violation of any such regulation is prohibited.

ARTICLE II

MEAT PROCESSORS AND RELATED INDUSTRIES

Section 18. Inspection shall not be provided under Article 1 of this Act at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules or other equines, or poultry or the preparation of any carcasses or parts or products of such animals or birds, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Commissioner to deter their use for human food. No person, firm or corporation shall buy, sell, transport or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products or poultry food products of any such animals or birds, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Commissioner, or are naturally inedible by humans.

Section 19. (a) The following classes of persons, firms and corporations shall keep such records as will fully and correctly disclose all transactions involved in their business; and all persons, firms and corporations subject to such requirement shall, at all reasonable times, upon notice by a duly authorized representative of the Commissioner afford such representative and any duly authorized representative of the Secretary of Agriculture of the United States accompanied by such representative of the Commissioner access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

(1) Any persons, firms or corporations that engage, for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules or other equines or poultry, or preparing, freezing, packaging, or labeling any carcasses or parts or products of carcasses, of any such animals or birds for use as human food or animal food;

(2) Any persons, firms or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting, in intrastate commerce, or storing in or for such commerce, any carcasses, or parts of products of carcasses of any such animals or birds;

(3) Any persons, firms or corporations that engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or poultry or parts of the carcasses of any such animals or birds that died otherwise than by slaughter.

(b) Any records required to be maintained by this Section shall be maintained for such period of time as the Commissioner may by regulation prescribe.

Section 20. No person, firm or corporation shall engage in business, in or for intrastate commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules or other equines, or poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the busi-

ness of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals or birds of the specified kinds, or parts of the carcasses of any such animals or birds that died otherwise than by slaughter, unless, when required by regulations of the Commissioner, and in such manner as the Commissioner has prescribed, he has registered with the Commissioner his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

Section 21. No person, firm, or corporation engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, mules or other equines, or poultry, or parts of the carcasses of any such animals or birds that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the Commissioner may prescribe to assure that such animals or birds, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

ARTICLE III

FEDERAL AND STATE COOPERATION

Section 22. (a) The Commissioner is hereby designated as the State agency which shall be responsible for cooperating with the Secretary of Agriculture of the United States under the provisions of the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act, and such agency is hereby directed to cooperate with the Secretary of Agriculture of the United States in developing and administering the meat and poultry inspection program of this State under this Act to assure that not later than November 15, 1969, its requirements will be at least equal to those imposed by the applicable provisions of the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act, and in developing and administering the program of this State under Article II of this Act in such manner as will effectuate the purposes of this Act and said Federal Acts.

(b) In such cooperative efforts, the Commissioner is authorized to accept from said Secretary of Agriculture of the United States advisory assistance in planning and otherwise developing the State program, technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The Commissioner is further authorized to spend public funds of this State appropriated for administration of this Act to pay fifty per cent of its estimated total cost of the cooperative programs so developed.

(c) The Commissioner is further authorized to recommend to the said Secretary of Agriculture of the United States such officials or employees of this State as the Commissioner shall designate, for appointment to the advisory committee provided for in Section 301 of the Federal Meat Inspection Act; and the Commissioner shall serve as the representative of the Governor of this State for consultation with said Secretary under paragraph C of Section 301 of said Act, unless the Governor shall select and designate another representative.

(d) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and poultry and meat products and poultry

products, the jurisdiction of the Commissioner within the scope of this Act shall be exclusive and no County or City Board of Health, or other County or City agency shall have any power or jurisdiction to regulate the slaughtering of any cattle, sheep, swine, goats, horses, mules or other equines, or poultry, or the preparation or transportation of the carcasses, or parts thereof, or the meat and meat products and poultry products of such animals or birds nor shall any County or City Board of Health, or other County or City agency have any power or jurisdiction with regard to the inspections provided for in this Act, nor with respect to any other activity committed to the authority of the Commissioner by this Act.

(1) In carrying out the provisions of this Act, the Commissioner may cooperate with all other branches of government, county and city, and with County and City Health Departments, or other agencies, and may conduct such examinations, investigations, and inspection as provided for in this Act, and as he determines practical through any officer or employee of the State or any city or county in the State qualified for such purpose.

(e) Nothing contained in this Section shall preclude or restrict any city or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this Act are conducted.

ARTICLE IV

AUXILIARY PROVISIONS

Section 23. The Commissioner may, for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act, refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to enage in any business requiring inspection under Article I of this Act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) one or more violations of any law other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled or deceptively packaged food or upon fraud in connection with transactions in food. This Section shall not affect in any way other provisions of this Act for withdrawal of inspection services under Article I from establishments failing to maintain sanitary conditions or failing to destroy condemned carcasses, parts, meat or meat food products or poultry food products as required by this Act.

For the purpose of this Section a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder or owner of 10% or more of its voting stock or employee in a managerial or executive capacity. The determination and order of the Commissioner with respect thereto under this Section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in Section 25. Judicial review of any such order shall be upon the record upon which the determination and order by the Commissioner are based.

Section 24. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or

carcass or part of a carcass of poultry or poultry food product, or any product exempted from the definition of a meat food product, or any dead, dying, disabled or diseased cattle, sheep, swine, goat or equine or poultry, is found by any authorized representative of the Commissioner upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of Article I of this Act or of the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under Section 25 of this Act or notification of any Federal authorities having jurisdiction over such articles or animal, and shall not be moved by any person, firm or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Commissioner that the article or animal is eligible to retain such marks.

Section 25. (a) Any carcass, part of a carcass, meat or meat food product or poultry food product of any of the animals or birds subject to inspection under this Act, or any such animal or bird that is dead, dying, disabled or diseased that is being transported in intrastate commerce, or is held for sale in this State after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, by writ of attachment for condemnation in any proper court as provided in Section 26 of this Act within the jurisdiction of which the article or animal is found. Such writ of attachment for condemnation shall issue upon the sworn complaint of the Commissioner or his duly authorized agent, taken by an officer authorized to administer an oath to the effect that such carcass, part of a carcass, meat or meat food product, or poultry food product is adulterated or misbranded, or, having been required so to be by this Act, has not been inspected and examined in accordance with the provisions of this Act. Said sworn complaint by said Commissioner or his duly authorized agent, may be amended at any stage of the proceedings. Said writ shall be returnable in five days to the Court issuing it, which such Court shall hear and decide whether the allegations of the complaint are true and whether such article or product shall be condemned and confiscated. Such hearing shall not be had until five days' notice of the date therefor shall have been served on the owner, his agent or other party having an interest in the same, except as otherwise provided in this Section. Service of a copy of the writ of attachment for condemnation showing the returns of the attaching officer shall be sufficient notice to the owner for the purposes of this Section. Such writ may be executed by the Commissioner, his duly authorized agent, or by any Sheriff or Constable in this State. Upon the seizure of the article or product described in the affidavit, it shall be the duty of the officer or person executing the writ to return the same to the Circuit Court, with his return thereon, and within five days after such return, the Court shall make up an issue between the State as plaintiff and property seized as defendant. In the event that the owner or his agent cannot be found in this State, then said service may be perfected by posting a copy of the writ in a conspicuous place upon the premises where the goods were found and seized, and by mailing a

copy thereof by registered mail to the owner, or his agent, to his last known address, and this shall be deemed to be sufficient service of the notice required by this Section. If upon the return day of such writ of attachment for condemnation, the owner of the article or product, his agent or other party having an interest in same thus notified fails to appear and show cause why said articles or products should not be condemned, judgment of condemnation and confiscation shall, upon such default, be entered by the Court on the basis of said complaint. If such owner or agent or other party having an interest in such article or product shall on the day or before the return day of the writ of attachment, or upon such other day as the Court upon application of said party may determine, shall file an answer upon oath denying the allegations of adulteration or misbranding, or affirming that such articles or products were inspected and examined in accordance with the requirements of this Act, as the case may be, the issue thus raised may be determined by the Court after hearing all of the evidence offered by or on behalf of all the parties to the proceeding. Any such party may demand a jury trial of any issue or fact to be determined in the proceedings instituted hereunder, and in case a jury trial is demanded, the judgment rendered by the Court shall be in accordance with the facts as found by such jury; provided, however, that the verdict of the jury may be set aside by the Court where manifestly contrary to the evidence or the law.

(b) If the article or animal is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the Court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the treasury of this State, but the article or animals shall not be sold contrary to the provisions of this Act, or the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act: provided, that upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the United States, the Court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Commissioner as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal.

(c) The provisions of this Section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

Section 26. The circuit courts of the several counties of this State are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, by temporary or permanent injunction or otherwise, upon application of the Commissioner and shall have jurisdiction in all other kinds of cases arising under this Act.

Section 27. Any person who forceably assaults, resists, opposes, impedes, intimidates or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned for not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Section 28. (a) Any person, firm or corporation who violates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000: provided, that no person, firm or corporation shall be subject to penalties under this Section for receiving for transportation or transporting any article or animal in violation of this Act if such receipt or transportation was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Commissioner the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

(b) Nothing in this Act shall be construed as requiring the Commissioner to report for prosecution or for the institution of a proceeding for condemnation, or injunction proceeding, minor violations of this Act whenever he believes that the public interest will be adequately served by other remedies and procedures to be exercised by him.

Section 29. (a) The Commissioner shall also have power—

(1) To gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person, firm or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms and corporations;

(2) To require, by general or special order, persons, firms and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the Commissioner, in such form as he may prescribe, annual or special or both annual and special reports or answers in writing to specific questions, furnishing to the Commissioner such information as he may require as to the organization, business, conduct, practices, management and relation to other persons, firms and corporations of the person, firm or corporation filing such reports or answers. Such reports and answers shall be made under oath, or otherwise as the Commissioner may prescribe, and shall be filed with the Commissioner within such reasonable period of time as he may prescribe, unless additional time is granted in any case by the Commissioner, and all such reports, answers or information shall be kept confidential by the Commissioner except that such may be used without claim of privilege in any judicial proceeding brought for the violation of any provision of this Act or in which compliance with this Act is sought to be enforced, and in which the person, firm or corporation so furnishing such report, answers or information is involved, as a party, or as owner of any article or product involved in such judicial proceeding.

(b) For the purposes of this Act the Commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm or coproration relating to any matter under investigation. The Commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses and receive evidence.

(1) Such attendance of witnesses and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Commissioner may invoke the aid of any court designated in Section 26 of this Act in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in Section 26 of this Act within the jurisdiction of which inquiry is carried on may, in case of refusal to obey a subpeona issued to any person, firm or corporation, issue an order requiring such person, firm or corporation to appear before the Commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order or any such court shall be punished by such court as contempt thereof.

(3) Upon application of the Attorney General of this State at the request of the Commissioner, the circuit courts of the several counties of this State shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this Act or any order of the Commissioner made in pursuance thereof.

(4) The Commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commissioner and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commissioner as hereinbefore provided.

(5) Witnesses summoned before the Commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(6) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Commissioner or in obedience to the subpoena of the Commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or if any amendments thereto, on the ground or for the reason that the testimony for evidence, documentary or otherwise, required of him or it may tend to incriminate him or it/or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) Any person, firm or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than $5,000, or by imprisonment for not more than one year, or both.

(1) Any person, firm or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any

false entry in any account, record or memorandum kept by any person, firm or corporation subject to this Act or that shall willfully neglect or fail to make, or to cause to be made, full, true and correct entries in such accounts, records or memoranda, of all facts and transactions appertaining to the business of such person, firm or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm or corporation or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and making copies, any documentary evidence of any such person, firm or corporation in his possession or within this control, shall be deemed guilty of an offense and shall be subject upon conviction in any court of competent jurisdiction to a fine of not more than $5,000 or to imprisonment for a term of not more than one year, or to both.

(2) If any person, firm or corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the Commissioner for filing the same, and such failure shall continue for thirty days after notice of such default, such person, firm or corporation shall forfeit to this State the sum of $25.00 for each and every day of the continuance of such failure, which forfeiture shall be payable into the treasury of this State, and shall be recoverable in a civil suit in the name of the State brought in the county where the person, firm or corporation has his or its principal place of business or in any county in which he or it shall do business. It shall be the duty of the various District Attorneys under the direction of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The cost and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this State.

(3) Any officer or employee of this State who shall make public any information obtained by the Commissioner without proper authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year or by both.

Section 30. The requirements of this Act shall apply to persons, firms, corporations, establishments, animals and articles regulated under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act only to the extent provided for in such Federal Acts.

Section 31. It shall be competent evidence in any civil action brought for damages against any person, firm or corporation regulated by this Act to prove that such person, firm or corporation has violated any term or provision of this Act or any regulation promulgated hereunder where such act or failure to act is proximately related to the injury or loss for which damages are claimed, but proof of any acts or failure to act which may constitute a violation of any term or provision of this Act or of any regulation promulgated hereunder shall not constitute prima facie proof of negligence in any such action against the party sought to be charged with damages.

Section 32. There shall be established a Meat and Poultry Inspection Advisory Council consisting of seven members to be appointed by the Governor in addition to the Commissioner and the Attorney General of the State of Alabama who shall be exofficio members. Of the seven members to be appointed by the Governor, four shall be members of the Alabama Meat Packers Association, two shall be members of the Alabama Poultry Association, and one shall be a member-at-large without reference to his or her affiliation to the meat or poultry packing or processing industry. The Commissioner, or

his authorized representative shall serve as Chairman of the Meat and Poultry Inspection Advisory Council, and the Council shall meet upon call, or at such regular times as the majority of the Council may determine.

(a) The Council members, with the exception of the Commissioner and the Attorney General, shall be apppointed by the Governor for seven year terms except that upon this Act becoming operative, the initial Council members shall be appointed for terms of from one to seven years and shall serve such staggered terms so that one member may be appointed subsequently each year.

(b) The members of the Council shall receive no salary or expense allowance for their services.

(c) At any regular or special meeting of the Meat and Poultry Inspection Advisory Council, five members or exofficio members shall constitute a quorum.

(d) The Meat and Poultry Inspection Advisory Council shall have no regulatory powers of any character whatsoever, but its function shall be wholly advisory; it is contemplated however that the appointed members of such council shall consult with the Commissioner and the Attorney General with respect to meat and poultry inspection and other matters within the scope of this act, and it is further contemplated that the Commissioner shall, insofar as such, in his opinion, may be consistent with the Public Welfare, Safety and Health, consult with the remaining members of the Council prior to the promulgation of any regulation or amendment thereto issued pursuant to the authority of this Act.

Section 33. The provisions of this Act shall be construed to repeal Sections 7 and 8, Title 22, Code of Alabama 1940 as Recompiled, to the extent that such are in conflict with the provisions of this Act; that portion of Section 85, Title 22, Code of Alabama 1940 as Recompiled which grants to the State Committee of Public Health power to promulgate regulations for the construction, maintenance and operation of "poultry slaughter houses and animal slaughter houses, and their surroundings." is hereby expressly repealed; Article 31, Sections 485, 486, 487, 488 and 480, Title 2, Code of Alabama 1940 as Recompiled are hereby specifically repealed. The provisions of this Act are cumulative with, and shall not be construed as to repeal or supersede Section 303, 304, 305, 306, 308 and 309, Title 2, Code of Alabama 1940 as Recompiled.

Section 34. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 35. This Act shall become effective immediately upon its passage and approval by this Governor, or upon its otherwise becoming a law.

Mr. Harris offered the following amendment to the substitute for the Bill, S. B. 8, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 8

Amend Senate Bill No. 8 by striking out all of the provisions of Section 35 of the Substitute for Senate Bill No. 8 and insert in lieu thereof the following provisions:

"This Act shall become effective on October 1, 1969."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 8, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pierce	
Adams	Engel	Leonard	Radney	
Albea	Giles	Lindsey	Skidmore	
Bailes	Gilmore	Lolley	Stone	
Branyon	Givhan	McCarley	Torbert	
Carr	Goodwyn	McDermott	Turner	
Childs	Harris	Morrow	Vacca	
Clark	Hawkins			—29

Nays: —0

Mr. Cooper offered the following substitute for the Bill, S. B. 8, as amended by the Committee substitute, to-wit:

SUBSTITUTE FOR S. B. 8, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide for mandatory inspection of the slaughter of cattle, sheep, swine, goats, equines, and poultry, and the preparation of the carcasses, parts thereof, meat, meat food products, and poultry products of such animals, solely for distribution in this State; for the regulation of related industries; for cooperation with the United States Department of Agriculture; and for penalties for violations, detention, seizure and other enforcement authorities; the designation of the Alabama Department of Public Health as the supervising agency of the State of Alabama and the authorization of the State Health Officer to promultate rules and regulations relating to all of the aforesaid.

Be It Enacted by the Legislature of Alabama:

General Provisions

Section 1. This Act may be cited as the Alabama Meat and Poultry Products Inspection Act.

Section 2. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

(a) The term "Health Officer" means the State Health Officer or his delegate.

(b) The term "person" includes any individual, partnership, corporation, association, or other business unit, and any officer, agent or employee thereof.

(c) The term "broker" means any person engaged in the business of buying or selling livestock products or poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(d) The term "renderer" means any person engaged in the business of rendering livestock or poultry carcasses, or parts or products of such carcasses, except rendering conducted under inspection or exemption under this Act.

(e) The term "animal food manufacturer" means any person engaged in the business of preparing animal (including poultry) food derived wholly or in part from livestock or poultry carcasses or parts or products of such carcasses.

(f) The term "intrastate commerce" means commerce within this State.

(g) The term "livestock" means any cattle, sheep, swine, goats, horses, mules or other equines, whether live or dead.

(h) The term "livestock product" means any carcass, part thereof, meat, or meat food product of any livestock.

(i) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Health Officer under such conditions as he may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(j) The term "poultry" means any domesticated bird, whether live or dead.

(k) The term "poultry product" means any poultry carcass or part therof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Health Officer from definition as a poultry product under such conditions as he may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

(l) The term "capable of use as human food" shall apply to any livestock or poultry carcass, or part or product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the Health Officer to deter its use as human food, or it is naturally inedible by humans.

(m) The term "prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(n) The term "adulterated" shall apply to any livestock product or poultry product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if

the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains (by reason of administration of any substance to the livestock or poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Health Officer made such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Health Officer in official establishments;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal (including poultry) which has died otherwise than by slaughter;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(9) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(o) The term "misbranded" shall apply to any livestock product or poultry product under one or more of the following circumstances;

(1) if its labeling is false or misleading in any particular;

(2) if it is offered for sale under the name of another food;

(3) if it is an imitation of another food, unless its label bears, in type of

uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading.

(5) unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count; Provided, That under this subparagraph (5), exemptions as to livestock products not in containers may be established by regulations prescribed by the Health Officer; and Provided, further, That under clause (B) of this subparagraph (5), reasonable variations may be permitted and exemptions as to small packages may be established for livestock products or poultry products by regulations prescribed by the Health Officer;

(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations of the Health Officer under section 5 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Health Officer under section 5 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Health Officer, be designated as spices, flavorings, and colorings without naming each: Provided, That, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Health Officer.

(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Health Officer, after consultation with the Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Health Officer; or

(12) if it fails to bear, directly thereon and on its containers, as the Health Officer may by regulations prescribe, the official inspection legend and establishment number of the establishment where the product was prepared, and, unrestricted by any of the foregoing, such information as the Health Officer may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(p) The term "label" means a display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(q) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(r) The term "container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

(s) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(t) The term "immediate container" means any consumer package; or any other container in which livestock products or poultry products, not consumer packaged, are packed.

(u) The term "Federal Meat Inspection Act" means the Act so entitled approved March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act (81 Stat. 584); the term "Federal Poultry Products Inspection Act" means the Act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the Wholesome Poultry Products Act (82 Stat. 791); and the term "Federal Acts" means these two Federal laws.

(v) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(w) The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(x) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Health Officer to identify the status of any article or livestock or poultry under this Act.

(y) The term "official inspection legend" means any symbol prescribed by regulations of the Health Officer showing that an article was inspected and passed in accordance with this Act.

(z) The term "official certificate" means any certificate prescribed by regulations of the Health Officer for issuance by an inspector or other person performing official functions under this Act.

(aa) The term "official device" means any device prescribed or authorized by the Health Officer for use in applying any official mark.

(bb) The term "official establishment" means any establishment as determined by the Health Officer at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this Act.

(cc) The term "inspector" means an employee or official of the Alabama Department of Public Health authorized by the Health Officer or any employee or official of the government of any county or other governmental subdivision of this State, authorized by the Health Officer to perform any inspection functions under this Act under an agreement between the Health Officer and such governmental subdivision.

(dd) The term "reinspection" includes inspection of the preparation of livestock products and poultry products, as well as reexamination of articles previously inspected.

Section 3. It is the objective of this Act to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce; and the Health Officer is directed to administer this Act so as to accomplish this purpose. The Alabama Department of Public Health is designated as the appropriate State agency to cooperate with the Secretary of Agriculture of the United States in administration of this Act.

Section 4. In order to accomplish the objective stated in Section 3, the Health Officer shall:

(a) by regulations require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted by him under paragraph (m) of section 5 of this Act, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

(b) by regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Alabama Inspected and Passed" if the products are found upon inspection to be not adulterated and as "Alabama Inspected and Condemned" if they are found upon inspection to be adulterated, and the destruction for food purposes of all such condemned products under the supervision of an inspector;

(c) prohibit the entry into official establishments of livestock products and poultry products not prepared under Federal inspection or inspection pursuant to this Act and further limit the entry of such articles and other materials into such establishments under such conditions as he deems necessary to effectuate the purposes of this Act;

(d) by regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, as he may require, all information required under paragraph (o) of section 2 of this Act; and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this Act;

(e) investigate the sanitary conditions of each establishment within paragraph (a) of this section and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat;

(f) prescribe regulations relating to sanitation for all establishments required to have inspection under paragraph (a) of this section;

(g) by regulations require that the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and afford to the Health Officer and his representatives, including representatives of other governmental agencies designated by him, access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor: any persons that engage in or for intrastate commerce (1) in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling (as brokers, wholesalers or otherwise), transporting, or storing any livestock products or poultry products for human or animal food; or (2) in business as renderers or in the business of buying, selling or transporting any dead, dying, disabled or diseased livestock or poultry, or parts of the carcasses of any such animals (including poultry) that died otherwise than by slaughter.

Section 5. In order to accomplish the objective stated in section 3, the Health Officer may:

(a) remove inspectors from any establishment that fails to destroy condemned products as required under paragraph (b) of section 4 of this Act;

(b) refuse to provide inspection service under this Act with respect to any establishment for causes specified in section 401 of the Federal Meat Inspection Act or section 18 of the Federal Poultry Products Inspection Act;

(c) order labeling and containers to be withheld from use if he determines that the labeling is false or misleading or the containers are of a misleading size or form;

(d) by regulations, prescribe the sizes and style of type to be used for labeling information required under this Act, and definitions and standards of identity or composition or standards of fill of container, consistent with Federal standards, when he deems such action appropriate for the protection of the public and after consultation with the Secretary of Agriculture of the United States;

(e) by regulations prescribe conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for intrastate commerce to assure that such articles will not be adulterated or misbranded when delivered to the consumer;

(f) require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared;

(g) by regulations require that every person engaged in business in or for intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouseman of livestock products or poultry products, or engaged in the business of buying, selling or transporting in intrastate commerce, any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals (including poultry) that died otherwise than by slaughter shall register with the Health Officer his name and the ad-

dress of each place of business at which and all trade names under which he conducts such business;

(h) adopt by reference or otherwise such provisions of the rules and regulations under the Federal acts (with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this act) which shall have the same force and effect as if promulgated under this Act, and promulgate such other rules and regulations as he deems necessary for the efficient execution of the provisions of this Act, including rules of practice providing opportunity for hearing in connection with issuance of orders under paragraph (e) of section 4 or paragraph (a), (b) or (c) of section 5 of this Act and prescribing procedure for proceedings in such cases; Provided, That this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection, under paragraph (e) of section 4 or paragraph (a) or (c) of section 5 pending issuance of a final order in any such proceeding.

(i) appoint and prescribe the duties of such inspectors and other personnel as he deems necessary for the efficient execution of the provisions of this Act;

(j) cooperate with the Secretary of Agriculture of the United States in administration of this Act to effectuate the purposes stated in section 3 of this Act; accept Federal assistance for that purpose and spend public funds of this State appropriated for administration of this act to pay the State's proportionate share of the estimated total cost of the cooperative program;

(k) recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the Federal Acts, such officials or employees of the Alabama Department of Public Health as the Health Officer shall designate;

(l) serve as the representative of the Governor for consultation with said Secretary under paragraph (c) of section 301 of the Federal Meat Inspection Act and paragraph (c) of section 5 of the Federal Poultry Products Inspection Act unless the Governor selects another representative;

(m) exempt the operations of any person from inspection or other requirements of this Act if and to the extent such operations would be exempt from the corresponding requirements under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act if they were conducted in or for interstate commerce or if the State were designated under the Federal Acts as one in which the Federal requirements apply to intrastate commerce.

Section 6. (a) No person shall, with respect to any livestock or poultry or any livestock products or poultry products—

(1) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this Act;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any such articles which (A) are capable of use as human food, and (b) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or any articles required to be inspected under this Act unless they have been so inspected and passed; or

(3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(b) no person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Health Officer except as may be authorized by such regulations.

(c) no person shall violate any provision of the regulations or orders of the Health Officer under section 4 or section 5 of this Act.

Section 7. (a) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Health Officer.

(b) no person shall:

(1) forge any official device, mark, or certificate;

(2) without authorization from the Health Officer use any official device, mark, or certificate, or simulation thereof, or alter detach, deface, or destroy any official device, mark, or certificate;

(3) contrary to the regulations prescribed by the Health Officer, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Health Officer or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal (including poultry), or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Health Officer; or

(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

Section 8. (a) no person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Health Officer to show the kinds of animals from which they were derived.

(b) no person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any livestock products or poultry products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Health Officer or are naturally inedible by humans.

(c) no person engaged in the business of buying, selling, or transporting

in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased livestock or poultry or the products of any such animals that died otherwise than by slaughter, unless such transportation, is made in accordance with such regulations as the Health Officer may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

Section 9. (a) Any person that shall give, pay, or offer, directly or indirectly, to any officer or employee of this State authorized to perform any of the duties prescribed by this Act or by the regulations of the Health Officer, any money or other thing of value, with intent to influence said officer or employee in the discharge of any such duty, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any officer or employee of this State authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, given with intent to influence his official action, or who shall receive or accept from any person engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than $1,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years.

(b) any person that forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under the general laws of the State.

Section 10. Inspection shall not be provided under this Act at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Health Officer to deter their use for human food.

Section 11. (a) No inspection of products placed in any container at any official establishment shall be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

(b) for purposes of any inspection of products required by this Act, inspectors authorized by the Health Officer shall have access at all times, by day or night, to every part of every establishment required to have inspection under this Act, whether the establishment is operated or not.

Section 12. Whenever any livestock product or poultry product or any product exempted from the definition of a livestock product and from the definition of a poultry product, or any dead, dying, disabled, or diseased live-

stock or poultry, is found by any authorized representative of the Health Officer upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce, or is otherwise subject to the Act, there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 13 of this Act or notification of any Federal authorities having jurisdiction over such article or animal, and shall not be moved by any person from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Health Officer that the article or animal is eligible to retain such marks.

Section 13. (a) Any livestock product or poultry product or any dead, dying, disabled, or diseased livestock or poultry that is being transported in intrastate commerce, or is otherwise subject to the Act, or is held for sale in this State after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any proper court as provided in section 14 of this Act within the jurisdiction of which such article or animal is found. If such article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of this State, but the article or animal shall not be sold contrary to the provisions of this Act, or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, or the Federal Food, Drug and Cosmetic Act: Provided, That upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Health Officer as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of this State.

B) the provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

Section 14. (a) Any order issued under paragraph (c) of section 4 or paragraph (a), (b), or (c) of section 5 of this Act shall be final unless appealed to the circuit court within thirty days after service. Review of any

such order and the determinations upon which it is based shall be upon the record in the administrative proceeding in which the order was issued.

(b) the circuit courts of the several counties are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act and shall have jurisdiction in all other kinds of cases arising under this Act.

(c) (all proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the State. Subpoenas for witnesses who are required to attend a court in any district, may run into any other district in such proceeding.)

Section 15. (a) Any person that violates any provisions of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000 or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in subparagraph (8) of paragraph (n) of section 2 of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than $10,000 or both.

(b) nothing in this Act shall be construed as requiring the Health Officer to report for prosecution or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

Section 16. (a) The Health Officer shall also have power—

(1) to gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person engaged in intrastate commerce, and the relation thereof to other persons;

(2) to require, by general or special orders, persons engaged in intrastate commerce, or any class of them, or any of them, to file with the Health Officer in such form as the Health Officer may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Health Officer such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, of the person filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Health Officer may prescribe, and shall be filed with the Health Officer within such reasonable period as the Health Officer may prescribe, unless additional time be granted in any case by the Health Officer;

(b)(1) for the purpose of this Act the Health Officer shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The Health Officer may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(2) such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Health Officer may invoke the aid of any court designated in section 14 of this Act in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(3) any of the courts designated in section 14 of this Act within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Health Officer or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(4) upon the application of the Attorney General of this State at the request of the Health Officer, the circuit courts of the several counties shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Health Officer made in pursuance thereof.

(5) the Health Officer may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Health Officer and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Health Officer as hereinbefore provided.

(6) witnesses summoned before the Health Officer shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(7) no person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Health Officer or in obedience to the subpoena of the Health Officer, whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no individual shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be excempt from prosecution and punishment for perjury committed in so testifying.

(c) (1) any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Health Officer shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(2) any person that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or that shall willfully make, or cause to be made, any false entry in any ac-

count, record, or memorandum kept by any person subject to this Act or that shall willfully neglect or fail to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person or that shall willfully remove out of the jurisdiction of this state, or willfully mutilate, alter or by any other means falsify any documentary evidence of any person subject to this Act or that shall willfully refuse to submit to the Health Officer or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this Act in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

(3) if any person required by this Act to file any annual or special report shall fail so to do within the time fixed by the Health Officer for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to this State the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of this State, and shall be recoverable in a civil suit in the name of the State brought in the county where the person has his or its principal office or in any county in which he or it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this State.

(4) any officer or employee of this State who shall make public any information obtained by the Health Officer, without his authority, unless directed by a court, or use any such information to this own advantage, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment, not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Section 17. The requirements of this Act shall apply to persons, establishments, animals, and articles regulated under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act only to the extent provided for in said Federal Acts.

Section 18. There shall be established a Meat and Poultry Inspection Advisory Council consisting of seven members to be appointed by the Governor in addition to the Health Officer and the Attorney General of the State of Alabama who shall be ex-officio members. Of the seven members to be appointed by the Governor, four shall be members of the Alabama Meat Packers Association, two shall be members of the Alabama Poultry Association, and one shall be a member-at-large without reference to his or her affiliation to the meat or poultry packing or processing industry. The Health Officer, or his authorized representative shall serve as Chairman of the Meat and Poultry Inspection Advisory Council, and the Council shall meet upon call, or at such regular times as the majority of the Council may determine.

(a) the Council members, with the exception of the Health Officer and the Attorney General, shall be appointed by the Governor for seven year terms except that upon this Act becoming operative, the initial Council members shall be appointed for terms of from one to seven years and shall serve such staggered terms so that one member may be appointed subsequently each year.

(b) the members of the Council shall receive no salary or expense allowance for their services.

(c) at any regular or special meeting of the Meat and Poultry Inspection Advisory Council, five members or ex-officio members shall constitute a quorum.

(d) the Meat and Poultry Inspection Advisory Council shall have no regulatory powers of any character whatsoever, but its function shall be wholly advisory; it is contemplated however that the appointed members of such council shall consult with the Health Officer and the Attorney General with respect to meat and poultry inspection and other matters within the scope of this act, and it is further contemplated that the Health Officer shall, insofar as such, in his opinion, may be consistent with the Public Welfare, Safety and Health, consult with the remaining members of the Council prior to the promulgation of any regulation or amendment thereto issued pursuant to the authority of this Act.

Section 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Harris, said substitute was laid on the table.

And said Bill, S. B. 8, as amended by the Committee substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 34; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Folsom	Lindsey	Radney	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Clark	Harris	Nabors	Vacca	
Cooper	Hawkins	O'Bannon		—34

Nays: —0

BILL RECONSIDERED

On motion of Mr. Turner, the Senate reconsidered the vote by which the Bill, S. B. 111, was lost on the Twenty-Third Legislative Day.

And said Bill, S. B. 111, was again read a third time at length and lost.

Yeas 8; Nays 21.

Yeas:

Messrs.:	Folsom	Jackson	Torbert	
Adams	Goodwyn	Lolley	Turner	
Clark				—8

Nays:

Messrs.:	Cooper	Lindsey	O'Bannon	
Albea	Dominick	McCarley	Radney	
Bailes	Engel	McDermott	Skidmore	
Branyon	Harris	Morrow	Stone	
Carr	Hawkins	Nabors	Vacca	
Childs	Leonard			—21

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Bill:

S. 15. To Amend Act No. 549, S. 2, approved August 23, 1965 (Acts, 1965, V. 1, p. 811), the Uniform Commercial Code, Codified as Title 7 A. Commercial Code.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Givhan	McDermott	Stone	
Branyon	Goodwyn	Morrow	Torbert	
Carr	Hawkins	Nabors	Turner	
Childs	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—29

Nays: —0

RECESS

At 2:15 P.M., on motion of Mr. Torbert, the Senate took a recess until 2:45 o'clock this afternoon.

The recess period having expired, the Senate was called to order by President Pro Tempore Goodwyn. A quorum of the Senate was present.

BILLS ON THIRD READING RESUMED

The Bill:

S. 647. To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Oden	
Adams	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	Morrow	Torbert	
Carr	Harris	Nabors	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Engel	Leonard			—25
Nays:				—0

The Bill:

H. 209. To alter or rearrange the boundaries of the City of Greenville, Butler County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	O'Bannon	
Adams	Dominick	Lindsey	Oden	
Albea	Engel	Lolley	Pierce	
Bailes	Giles	McDermott	Radney	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	Nabors	Turner	
Clark	Harris			—25
Nays:				—0

The Bill:

H. 938. To provide an additional expense allowance for the members of the county board of education of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Engel	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 937. To apply to counties having a population of not less than 36,600 and not more than 37,600 according to the last Federal decennial census and authorizing the Deputy District Attorney or County Solicitor for said counties a full time secretary and to fix the salary therefor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Radney	
Bailes	Givhan	McCarley	Stone	
Branyon	Goodwyn	McDermott	Turner	
Childs	Harris	Nabors	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 936. To amend Act No. 69, H. 74, Second Special Session 1959 (Acts 1959, p. 238) which establishes the Jackson County Court, in order to regulate further the salary and allowances of the judge of such court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 935. To provide for the compensation of jurors in Jackson County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Morrow	Radney	
Branyon	Gilmore	Nabors	Stone	
Carr	Goodwyn	O'Bannon	Turner	
Childs	Harris	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 828. To authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Givhan	McCarley	Skidmore	
Carr	Goodwyn	McDermott	Stone	
Clark	Harris	Morrow	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 794. To alter, rearrange, extend and redefine the boundaries and corporate limits of the Town of Ardmore in Limestone County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 694. Relating to Franklin County; providing for reimbursement of actual expenses of travel to members of the board of revenue when traveling out of the county on county business; and providing for retroactive effect of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Giles	Leonard	Pierce	
Albea	Gilmore	McCarley	Radney	
Bailes	Givhan	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Torbert	
Carr	Harris	Nabors	Turner	
Childs	Hawkins			—25

Nays: —0

The Bill:

S. 676. To require the teaching of Bible history in all public high schools in counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to provide for instructors of such courses; to repeal conflicting laws and specifically to re-

peal and supersede conflicting provisions of Sections 322 and 408 of Title 52, Code of Alabama 1940, as amended to the extent of such conflict as to all counties to which this act applies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors	
Adams	Engel	Lindsey	Oden	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Carr	Gilmore	McDermott	Stone	
Childs	Givhan	Morrow	Torbert	
Clark	Harris			—25

Nays: —0

The Bill:

H. 244. To amend further Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, p. 45), creating the Cullman County Commission on Education and establishing the office of superintendent of county schools, so as to provide further for the qualifications of said superintendent; repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	Oden	Vacca	
Cooper	Leonard			—25

Nays: —0

The Bill:

H. 933. Regulating and providing for the payment of the compensation of certain deputies of the Sheriff in Autauga County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Giles	Lindsey	Pierce	
Bailes	Gilmore	McCarley	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 906. To amend the title and Section 2 of Act No. 65, H. 738, Regular Session 1969, approved June 27, 1969, an Act providing for a travel allowance for the chairman and members of the board of revenue in counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, so as to increase the travel allowance of the chairman.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Giles	Lolley	Pierce	
Albea	Gilmore	McCarley	Radney	
Bailes	Goodwyn	McDermott	Stone	
Carr	Harris	Morrow	Torbert	
Childs	Hawkins	Nabors	Turner	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 976. Relating to all counties having populations of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of the jury commission in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Turner	
Childs	Harris	Nabors	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 977. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; authorizing the county board of education to provide the superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer by the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Giles	Lindsey	Pierce	
Bailes	Givhan	McCarley	Radney	
Branyon	Goodwyn	McDermott	Torbert	
Carr	Harris	Morrow	Turner	
Cooper	Hawkins	Nabors	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 978. Relating to all counties having populations of not less than 14,500 nor more than 14,900 according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of boards of registrars in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors	
Adams	Folsom	Leonard	Oden	
Albea	Giles	Lindsey	Pierce	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Goodwyn	McDermott	Stone	
Clark	Harris	Morrow	Turner	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 903. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the county engineer payable from the general funds of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Skidmore	
Bailes	Folsom	Lindsey	Stone	
Carr	Gilmore	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Clark	Harris	Nabors	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 905. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	McCarley	Radney	
Carr	Giles	McDermott	Skidmore	
Childs	Gilmore	Morrow	Torbert	
Clark	Givhan	Nabors	Turner	
Cooper	Harris			—25

Nays: —0

The Bill:

H. 904. Relating to counties having a population of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Folsom	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 851. Relating to counties having populations of not less than 14,500 nor more than 14,900; to provide for the qualifications of the superintendent of education in any such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Goodwyn	McDermott	Torbert	
Childs	Harris	Morrow	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 871. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corpo-

rate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Albea	Giles	Lolley	Pierce	
Bailes	Givhan	McCarley	Radney	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 785. Relating to counties having populations of not less than 38,000 nor more than 45,000; authorizing an appropriation from the treasury of any such county for the relief of Eurell Bailey.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Folsom	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Leonard, further consideration of the Bill, S. B. 701, was postponed until the Twenty-Eighth Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 697. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Carr	Cooper	Givhan
Adams	Childs	Engel	Goodwyn
Bailes	Clark	Giles	Harris

Hawkins	McDermott	Pelham	Stone	
Jackson	Morrow	Pierce	Turner	
Lindsey	O'Bannon	Radney	Vacca	
Lolley	Oden			—25

Nays: —0

The Bill:

H. 815. Relating to the Thirty-first Judicial Circuit; extending the powers, authority and duties of the District Attorney of any such Judicial Circuit so as to empower, authorize and require that such District Attorney supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary, in any and all inferior courts located and constituted in the county composing any such judicial circuit; creating the office of deputy District Attorney for any such judicial circuit and prescribing the duties of such office; providing for the mode and manner of the appointment of such deputy District Attorney and for his compensation, and further providing that such compensation shall be paid out of the general fund of the county composing any such judicial circuit; authorizing the District Attorney of such circuit to appoint a stenographic secretary, and providing for the payment of said secretary's compensation from the general funds of the county constituting such circuit; providing for the supplemental compensation of the District Attorney of the 31st Judicial Circuit and that such supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Stone	
Carr	Harris	McDermott	Torbert	
Childs	Hawkins	Morrow	Turner	
Clark	Jackson	O'Bannon	Vacca	
Folsom	Leonard			—25

Nays: —0

The Bill:

S. 691. To extend, alter and rearrange the boundary lines and corporate limits of the town of Lincoln, Talladega County, Alabama:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Giles	McCarley	Pierce	
Bailes	Givhan	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Stone	
Carr	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Leonard			—25

Nays: —0

The Bill:

S. 683. To amend further Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance, in relation to the compensation of the judge and his clerical assistants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Oden	
Albea	Folsom	McCarley	Pelham	
Bailes	Giles	McDermott	Radney	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 682. To fix the compensation of the members and the chairman of the Board of Revenue and Control of Morgan County; and to repeal Act No. 437, H. 937 of the Regular Session of 1951 (Acts, Regular Session 1951, p. 789) and all acts amendatory thereof, and other conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Giles	McDermott	Pierce	
Bailes	Gilmore	Morrow	Skidmore	
Branyon	Givhan	Nabors	Stone	
Carr	Harris	O'Bannon	Torbert	
Clark	Jackson	Oden	Vacca	
Cooper	Lindsey			—25

Nays: —0

The Bill:

S. 659. To authorize the county boards of education of Limestone and Morgan Counties and the city boards of education of any cities in such counties having independent school systems to fix and collect tuition fees and charges from pupils attending schools under the respective jurisdictions of such boards, but who live outside the territory over which such boards of education have jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 658. To provide for and regulate participation of employees of Morgan County and of employees of cities in such county in certain retirement funds for county and city employees, when the compensation of such employees is paid in part by the county or in part by the city and in part from public funds from other sources; to authorize the county and cities therein to contribute to such retirement funds on the basis of such employee's total compensation from all sources; and to authorize provision for such participation to be retroactive.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McDermott	Skidmore	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1023. Relating to counties having a population of not less than 21,850 nor more than 21,950; increasing the salary of the deputy solicitor in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	McCarley	Radney	
Branyon	Goodwyn	McDermott	Skidmore	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 721. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census; to provide supplementary compensation for the secretary of the judge of the intermediate court in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pierce	
Adams	Folsom	Lolley	Skidmore	
Albea	Gilmore	McCarley	Stone	
Bailes	Givhan	McDermott	Torbert	
Carr	Hawkins	Nabors	Turner	
Childs	Jackson	Oden	Vacca	
Cooper	Leonard			—25

Nays: —0

The Bill:

H. 1026. Relating to counties having populations of not less than 51,000 nor more than 56,000; authorizing appropriations from the treasury of any such county for the relief of C. F. Pruitt and Quillian Benson.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Adams	Folsom	Lolley	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1027. Relating to Perry County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lolley	Pelham	
Branyon	Giles	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 716. To apply only in counties having populations of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census, fixing the per diem pay for members of the county board of equalization.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lolley	Radney	
Albea	Gilmore	McCarley	Skidmore	
Branyon	Goodwyn	McDermott	Torbert	
Childs	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

H. 1050. Relating to Barbour County; further regulating the schedule days of meeting of the board of equalization of Barbour County at the two courthouses of the county; providing taxpayers a right as to the place of holding certain hearings, and requiring notice thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	McCarley	Pierce	
Albea	Gilmore	McDermott	Radney	
Branyon	Goodwyn	Nabors	Skidmore	
Carr	Harris	O'Bannon	Torbert	
Clark	Jackson	Oden	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1048. Relating to Barbour County; regulating the compensation of the jury commission, and the clerk thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	McCarley	Pierce	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

H. 1049. To create a judiciary fund in the county treasury of Barbour County, to be used for the purpose of obtaining maintaining and making available for public use certain judicial reference materials; to provide for certain payments into the fund and to provide for and regulate expenditures from the fund; placing certain duties on the Judge of the Third Judicial Circuit, the county treasurer of Barbour County and the Barbour County Bar Association; and authorizing the county governing body of Barbour County to expend general funds of the county for the purpose of providing quarters and facilities for the proper care and storage and the convenient use of such judicial reference materials.

was taken up.

Mr. Clark offered the following amendment to the Bill, H. B. 1049, to-wit:

AMENDMENT TO H. B. 1049

Amend Section 7 by deleting the words "January and July each year" and substituting the words "October for the six months ending September 30 and in April for the six months ending March 31."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Pelham	
Adams	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Skidmore	
Branyon	Harris	Nabors	Stone	
Carr	Hawkins	O'Bannon	Turner	
Clark	Leonard	Oden	Vacca	
Engel	Lolley			—25
Nays:				—0

And said Bill, H. B. 1049, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lolley	Pierce	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Morrow	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

S. 708. Relating to Crenshaw County; providing for the compensation of members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Goodwyn	McDermott	Stone	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins			—25

Nays: —0

The Bill:

S. 710. To provide for the appointment of the county superintendent of education of Crenshaw County; to provide for and regulate his compensation; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Giles	Lolley	Pelham	
Bailes	Gilmore	McDermott	Radney	
Branyon	Goodwyn	Morrow	Skidmore	
Carr	Harris	Nabors	Stone	
Childs	Hawkins	O'Bannon	Turner	
Clark	Jackson			—25

Nays: —0

The Bill:

S. 711. To provide further for the government of Crenshaw County; to redivide the county into commissioners districts; to provide for the election, qualifications and terms of office of members of the court of county commissioners; to regulate further their duties relative to roads and bridges; to provide for the construction, repair and maintenance of public roads and bridges in the county on the county unit basis; to provide for a county engineer and prescribe his powers and duties.

was taken up.

Mr. Turner offered the following amendment to the Bill, S. B. 711, to-wit:

AMENDMENT TO S. B. 711

In Section 6, strike out the period at the end of the next to the last sentence and insert in lieu thereof the following; or from the gasoline funds of the county, as the court provides.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Gilmore	Lindsey	Pelham	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Hawkins	Nabors	Turner	
Dominick	Jackson			—25

Nays: —0

And said Bill, S. B. 711, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Gilmore	Lindsey	Pelham	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Hawkins	Nabors	Turner	
Dominick	Jackson			—25

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Turner, further consideration of the Bill, S. B. 709, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 959. Relating to the Geneva County Inferior Court; to provide further for the civil jurisdiction of said court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Giles	Lolley	Pelham	
Albea	Gilmore	McDermott	Pierce	
Branyon	Goodwyn	Morrow	Radney	
Carr	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 960. To amend Act No. 151, H. 190, Special Session 1962 (Acts 1962, Special Session, p. 195) so as to increase the compensation of the judge of the Inferior Court of Geneva County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lolley	Pelham	
Albea	Giles	McDermott	Radney	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1025. Relating to counties having populations of not less than 24,525 and not more than 24,675; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pierce	
Bailes	Giles	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Harris	Morrow	Stone	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1017. To regulate the compensation of jurors in counties having populations of not less than 50,000 nor more than 54,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Stone	
Branyon	Gilmore	Morrow	Torbert	
Childs	Goodwyn	O'Bannon	Turner	
Clark	Harris	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 727. To amend Act No. 113, S. 4, Special Session 1961 (Acts 1961, p. 809) relating to judicial circuits composed of only one county and having populations of not less than 60,500 and not more than 65,000 inhabitants ac-

cording to the most recent federal decennial census which authorizes the district attorney of said circuit to appoint a stenographic secretary, so as to provide further for the compensation of such secretary.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	O'Bannon	
Adams	Engel	Lindsey	Pierce	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Goodwyn	McDermott	Torbert	
Childs	Hawkins	Morrow	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

S. 695. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 27 and 28, Township 16 North, Range 17 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Adams	Engel	Lolley	Pierce	
Albea	Folsom	McCarley	Skidmore	
Branyon	Giles	McDermott	Stone	
Carr	Gilmore	Morrow	Turner	
Clark	Goodwyn	O'Bannon	Vacca	
Cooper	Hawkins			—25
Nays:				—0

The Bill:

S. 696. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Childs	Goodwyn	Morrow	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

S. 693. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 23, 25, 26 and 35, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Childs	Goodwyn	Morrow	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 694. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 1, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	O'Bannon	
Adams	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Goodwyn	Morrow	Turner	
Cooper	Hawkins	Nabors	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 704. Relating to all counties having populations of not less than 37,000 nor more than 41,000; regulating the compensation of certain officers, providing compensation for clerks, deputies, assistants and secretaries, and providing for operation of their offices.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Childs	Folsom	Hawkins
Adams	Clark	Giles	Jackson
Bailes	Dominick	Givhan	Leonard
Branyon	Engel	Goodwyn	Lolley

McCarley	O'Bannon	Radney	Torbert	
McDermott	Oden	Skidmore	Vacca	
Nabors	Pierce			—25

Nays: —0

The Bill:

H. 705. Relating to all counties having populations of not less than 37,000 nor more than 41,000 according to the most recent federal decennial census, fixing the per diem pay for members of the board of equalization.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Bailes	Giles	Lindsey	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 876. To amend further Act No. 394, H. 828, Regular Session 1961, an act providing deputies and assistants for the sheriff of Lee County in relation to the number and compensation of such deputies and assistants.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Adams	Engel	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	Morrow	Torbert	
Clark	Harris	Nabors	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

S. 63. Proposing an amendment to the Constitution of Alabama to provide that the legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Lee County and the method of disbursement thereof.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lolley	Radney	
Carr	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Torbert	
Clark	Goodwyn	Nabors	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1003. To alter, rearrange and extend the boundary lines and corporate limits of the city of Piedmont in Calhoun County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Giles	Lolley	Radney	
Branyon	Givhan	McCarley	Skidmore	
Carr	Goodwyn	McDermott	Torbert	
Childs	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1034. To authorize the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, to authorize and permit, on behalf of the City of Anniston, Alabama, South Central Bell Telephone Company, its successors and assigns, to construct and maintain a building, or a portion thereof, over and above the alley running north and south in Block 4 as shown on the Anniston City Land Company Map of Anniston, and to construct and maintain a passage-way under said alley, said construction to connect the building now occupied by said Telephone Company on the west side of said alley, or as it may be repaired or altered, with a building to be constructed by it on the east side of said alley; to set forth certain conditions concerning the width of said building, or portion thereof, constructed over and above said alley, the width of said passage-way under said alley, and the height from the top surface of said alley that the bottom of said building, or portion thereof, constructed over and above said alley shall be, in the event such authority and permission is granted by the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City; to provide that the City of Anniston, Alabama, shall not be liable or responsible in damages for any injuries to persons, including death, or for any damages to property, arising out of or connected with the construction or maintenance of said building, or portion thereof, or said passage-way; to provide that in the event such authority and permission is granted, all parts of said alley included with the dimensions of said building, or portion thereof, constructed over and above said alley, and all parts of said alley included within the dimensions of said passage-way constructed under said alley shall be expressly vacated, and all rights of the public, including property owners in said Block 4, in said vacated portion of

said alley, shall be expressly divested, and that the City of Anniston shall not be liable in damages in any manner by reason of said vacation; and to provide certain other conditions and provisions relative to said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Albea	Giles	Lindsey	Pelham	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 930. To apply only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; providing for taxing, collecting and remitting circuit court costs by the town or cities located therein, when a case has been appealed from a City Recorder's Court, Mayor's Court, Police Court or any municipal court to the Circuit court in such counties and the appeal is dismissed and case remanded, and when a town or city permits a defendant to pay a fine and cost to the town or city after transcript on appeal is filed in Circuit Court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Giles	Lindsey	Pelham	
Bailes	Gilmore	Lolley	Radney	
Branyon	Givhan	McCarley	Skidmore	
Carr	Goodwyn	McDermott	Stone	
Childs	Hawkins	Nabors	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 817. To levy additional county privilege license and excise taxes for public school purposes in Franklin County paralleling, with like provisions for the county, such state sales and use taxes levied by Act No. 100, Second Special Session 1959, as amended, and Acts supplemental thereto, and levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and Acts supplemental thereto; providing for the enforcement and collection of such taxes by the department of revenue and the distribution of the proceeds thereof and providing that this Act supersedes Act No. 516, approved November 19, 1959, Acts of Alabama 1959, Volume 2, page 1267.

was taken up.

Mr. Oden offered the following substitute for the Bill, H. B. 817, to-wit:

SUBSTITUTE TO H. B. 817

A BILL
TO BE ENTITLED
AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Franklin County paralleling, with like provisions for the county, such state sales and use taxes levied by Act No. 100, Second Special Session 1959, as amended, and Acts supplemental thereto, and levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and Acts supplemental thereto; providing for the enforcement and collection of such taxes by the department of revenue and the distribution of the proceeds thereof and providing that this Act supersedes Act No. 516, approved November 19, 1959, Acts of Alabama 1959, Volume 2, page 1267.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in Franklin County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10 cents) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10 cents) per sale and shall file with the state department of revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the state department of revenue, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within Franklin County, or any athletic association thereof, or other association

whether such institution or association be a denominational, a state or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Franklin County, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one-half of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one-half of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withrdawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged on continuing within Franklin County in the business of selling at retail any machine, machinery or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half of one percent of the gross proceeds of the sale thereof. Provided, however, the one-half of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

Section 2. (a) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail for storage, use or other consumption in Franklin County at the rate of one percent of the sales price of such property, except as provided in subsections (b), (c) and (d).

(b) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail at the rate of one-half of one percent of the sales price of any such machine; provided, that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail for storage, use or other consumption in Franklin County at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby imposed on the storage, use or other consumption in Franklin County of any machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment which is purchased at retail after the effective date of this Act for storage, use or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Franklin County. Provided, however, the one-half of one percent rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment, either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(e) An excise tax is hereby imposed in Franklin County on the classes of tangible personal property and at the rates imposed on such classes specified in subsections (a), (b), (c) and (d) of this section on the storage, use or other consumption in the performance of a contract in Franklin County of such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in Franklin County, whichever is less. Provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) and (d) of this section apply.

Section 3. The taxes provided for in section 1 and section 2 of this Act shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes levied under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection of the taxes.

Section 4. All taxes imposed by this Act, together with such interest and penalties as may be imposed herein, shall be a lien upon the property of any person, firm or corporation due to pay such taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes imposed by this Act, and the state department of revenue, for the use and benefit of Franklin County, shall collect or enforce such taxes in the manner and from therein provided, and as further provided in section 5 hereof.

Section 5. The taxes imposed by this Act shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supplemental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto, and all reports now required to be made to the commissioner of revenue of the State of Alabama shall, on request of the department of revenue, be available for inspection by the chairman of the county governing body of Franklin County or his designated agent, at reasonable times during business hours. The state department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the additional taxes herein imposed, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the department for the collection of state sales and use taxes under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, as amended, and Acts supple-

mental thereto, and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, and Acts supplemental thereto. It shall be the duty of the commissioner of revenue to pay into the state treasury all collections of taxes made hereunder, and on or before the fifth day of the following month the commissioner of revenue shall certify to the state comptroller the amount of special taxes levied and collected under the authority of this Act for the use and benefit of Franklin County during the calendar month immediately preceding the making of such certificate to the state treasurer. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Franklin County, in his official capacity, for the amount due Franklin County; whereupon, it shall be the duty of the custodian of county school funds to divide such revenues between the county board of education and the board of education of the City of Russellville proportionately on the basis of the number of pupils in average daily attendance in their respective school systems during the current school year, as ascertained in accordance with the rules and regulations of the state board of education. The state department of revenue shall charge Franklin County for collecting the special county taxes levied herein the cost of collecting such taxes, such charge, however, not to exceed five percent of the amount collected. Such charge for collecting the special taxes for the county shall be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Franklin County for that month.

Section 6. The taxes imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Franklin County, except as herein otherwise specifically provided.

Section 7. All revenue arising from the taxes herein levied shall be used exclusively for public school purposes within Franklin County.

Section 8. This Act supersedes Act No. 516, approved November 19, 1959 (Acts 1959, Vol. 2, p. 1267); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 516 before the effective date of this Act shall not be affected by this Act.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective on the first day of the month succeeding the thirtieth day following the date on which this Act is approved by the Governor or shall otherwise become law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Morrow	Torbert	
Childs	Harris	Nabors	Turner	
Clark	Hawkins			—25

Nays: —0

And said Bill, H. B. 817, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Morrow	Torbert	
Childs	Harris	Nabors	Turner	
Clark	Hawkins			—25
Nays:				—0

REPORT OF COMMITTEE OF CONFERENCE ON S. B. 182

We, your committee of conference appointed to reconcile the disagreement between the two Houses concerning S. B. 182, have met and considered the bill and the House amendment thereto and have agreed to the following report:

1. We recommend that the Senate accept the House amendment.

2. We further recommend that the following amendments be adopted:

In Section 1, at the end thereof, add the following:

; nor shall the provisions of this section apply to examiners or other persons designated by the Superintendent of Insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provision of Title 28, Section 54(1).

Delete paragraph 2 of Section 1 and insert in lieu thereof the following:

No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of two dollars and seventy-five cents for a trip of from six to twelve hours' duration and for travel in excess of twelve hours duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

Also, in Section 4 of S. B. 182 delete from the bill the repealer reference to Title 28, Section 47(8) and (9).

3. We recommend further that the bill as thus amended be passed by both Houses.

Respectfully submitted,

Conferees on the part of the Senate
J. J. PIERCE
JACK GILES
ALTON L. TURNER

Conferees on the part of the House
JAMES W. CAMERON
HUGH D. MERRILL
CURTIS SPRINGER

CONFERENCE REPORT

On motion of Mr. Pierce, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

S. 182. To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Oden	
Adams	Givhan	Lolley	Pierce	
Albea	Goodwyn	McCarley	Radney	
Carr	Harris	McDermott	Skidmore	
Childs	Hawkins	Morrow	Turner	
Clark	Jackson	Nabors	Vacca	
Cooper	Leonard	O'Bannon		—26

Nays: —0

And said Bill, S. B. 182, as thus amended by the Conference Report, was again read at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Giles	Lolley	Pierce	
Albea	Goodwyn	McCarley	Radney	
Carr	Harris	McDermott	Skidmore	
Childs	Hawkins	Morrow	Stone	
Clark	Jackson	Nabors	Vacca	
Cooper	Leonard	O'Bannon		—26

Nays: —0

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 62. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-fourth Legislative Day only:

BILL NO.	PAGE
SB 461	44
SB 499	46
SB 177	25
SB 179	25
SB 180	25
SB 181	26
SB 39	24

HB 333	38
SB 536	53
HB 459	72
SB 205	40
SB 502	48
SB 619	74
SB 507	82
SB 508	82
SB 509	82
SB 419	52
SB 420	52
SB 265	60
SB 77	7
SB 223	9
SB 335	22
SB 154	12
SB 155	13
SB 153	12
SB 157	13
SB 159	14
SB 34	50
HB 529	89
HB 530	90
SB 190	23
HB 279	60
HB 901	85
SB 565	65
SB 104	14
SB 105	14
SB 106	15
SB 277	23
SB 603	61
HB 463	60
SB 328	42

HB 455	62
SB 681	98
SB 408	29
HB 226	88
SB 495	61
SB 484	45
HB 78	99
SB 146	11
SB 158	13
SB 160	14
SB 162	34

Which was adopted.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business, the first of which was the Bill:

S. 461. To provide for the indemnification by all corporations of corporate directors, officers, employees and agents against expenses, judgments, fines and settlements in certain cases; and to that end to authorize any corporation to purchase and maintain insurance on behalf of such persons to indemnify them against liability in certain cases; and to provide that this act shall be supplemental to and not in derogation of any other rights of indemnification.

Mr. Torbert offered the following amendment to the Bill, S. B. 461, to-wit:

AMENDMENT TO SB 461

Amend Section 1(e) by striking the word "unless" where the same appears therein.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	Nabors	
Adams	Dominick	Jackson	O'Bannon	
Albea	Folsom	Leonard	Oden	
Bailes	Giles	Lindsey	Pelham	
Branyon	Gilmore	Lolley	Pierce	
Carr	Givhan	McCarley	Stone	
Childs	Goodwyn	McDermott	Torbert	
Clark	Harris	Morrow		—30

Nays: —0

Mr. Nabors moved that further consideration of the Bill, S. B. 461, be postponed until the next Legislative Day. On motion of Mr. Torbert, the motion to postpone was laid on the table.

Yeas 18; Nays 7.

Yeas:

Messrs.:	Goodwyn	McDermott	Radney	
Adams	Jackson	Morrow	Stone	
Folsom	Lindsey	O'Bannon	Torbert	
Giles	Lolley	Oden	Turner	
Givhan	McCarley	Pierce		—18

Nays:

Messrs.:	Bailes	Dominick	Nabors	
Albea	Carr	Leonard	Pelham	
				—7

And said Bill, S. B. 461, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 7.

Yeas:

Messrs.:	Givhan	Lolley	Pierce	
Adams	Goodwyn	McCarley	Radney	
Childs	Harris	McDermott	Skidmore	
Clark	Hawkins	Morrow	Stone	
Cooper	Jackson	O'Bannon	Torbert	
Folsom	Lindsey	Oden	Turner	
Giles				—24

Nays:

Messrs.:	Bailes	Dominick	Nabors	
Albea	Carr	Leonard	Pelham	
				—7

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Springer:

H. 414. To amend the Code of Alabama, 1940, Title 51, Section 611 in relation to the license tax payable on motor vehicles.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 414. To the Committee on Public Buildings and Grounds.

BILLS ON THIRD READING RESUMED

The Bill:

S. 499. To amend Sections 65 and 67 of Act No. 414 adopted at the Regular Session of the Legislature of Alabama of 1959 so as to provide that the shares of corporations merging into a single corporation may be converted, in whole or in part, into cash or property or into shares, other securities, or obligations of any other corporation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 1.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	McDermott	Stone	
Childs	Hawkins	Morrow	Torbert	
Clark	Jackson	O'Bannon	Turner	
Cooper				—28

Nay: Mr. Nabors —1

The Bill:

S. 177. To amend subsection I of Section 204 of Title 26, Code of Alabama 1940, as last amended, so as to provide for the transfer of unemployment experience to successors of segregable portions of a business upon written application within a prescribed time limit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	O'Bannon	
Albea	Folsom	Leonard	Oden	
Bailes	Giles	Lindsey	Pierce	
Branyon	Givhan	Lolley	Radney	
Carr	Goodwyn	McCarley	Skidmore	
Childs	Harris	McDermott	Stone	
Clark	Hawkins	Nabors	Turner	
				—27

Nays: —0

The Bill:

S. 179. To amend Section 247, Title 26, Code of Alabama 1940, as amended, the same pertaining to protection against self-incrimination.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Albea	Folsom	Leonard	Oden	
Branyon	Giles	Lindsey	Radney	
Carr	Givhan	McCarley	Skidmore	
Childs	Goodwyn	McDermott	Stone	
Clark	Harris	Morrow	Turner	
Cooper	Hawkins	Nabors		—26

Nays: —0

The Bill:

S. 180. To amend subsection E(1) of Section 240, Title 26, Code of Alabama 1940, as amended, the same pertaining to proceedings to enforce the collection of delinquent unemployment contributions or taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Givhan	McCarley	Radney	
Carr	Goodwyn	McDermott	Stone	
Childs	Harris	Morrow	Torbert	
Clark	Hawkins	Nabors	Turner	
Cooper	Jackson	O'Bannon		—30

Nays: —0

The Bill:

S. 181. To amend subsection C of Section 240, Title 26, Code of Alabama 1940, as last amended, so as to permit the Director under certain circumstances to issue a corrected assessment.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	O'Bannon	
Albea	Dominick	Jackson	Oden	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Givhan	McCarley	Stone	
Childs	Goodwyn	McDermott	Torbert	
Clark	Harris	Nabors	Vacca	
				—27

Nays: —0

The Bill:

S. 39. To provide for the display of a distinctive warning device on certain vehicles, farm tractors, implements of husbandry, and special mobile equipment, and to prescribe the design, style, position, and use of such de-

vice, and to provide a penalty for any violation of the requirements of this Act.

was taken up.

Mr. Harris offered the following amendment to the Bill, S. B. 39, to-wit:

AMENDMENT TO S. B. 39

Amend S. B. 39 by deleting from Section 6 the first three words thereof and substituting therefor the following:

"The owner of any vehicle operated in violation of"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Givhan	Lindsey	Oden	
Bailes	Goodwyn	Lolley	Pierce	
Branyon	Harris	McCarley	Skidmore	
Carr	Hawkins	McDermott	Stone	
Childs	Jackson	Morrow	Torbert	
Cooper	Leonard	O'Bannon	Vacca	
Folsom				—24

Nays: —0

And said Bill, S. B. 39, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 2.

Yeas:

Messrs.:	Dominick	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Morrow	Torbert	
Childs	Jackson	Nabors	Vacca	
Cooper	Leonard	O'Bannon		—26

Nays: Messrs. Folsom and Oden —2

The Bill:

H. 333. Authorizing the Commissioner of Agriculture and Industries, with the approval of the Board of Agriculture and Industries, to establish official grades and standards for the marketing of farm products, fish and seafoods, and to design brands, labels and trademarks in accordance therewith; providing conditions for the use of such brands, labels and trademarks; and prohibiting the misuses thereof; providing for public hearings and publication of certain notices; authorizing said Commissioner, with the approval of the Board of Agriculture and Industries, to establish rules and regulations to implement the purposes of this Act; and prescribing penalities for violations.

Was read a third time at length and passed.

Yeas 30; Nays 1.

Yeas:

Messrs.:	Cooper	Hawkins	O'Bannon	
Adams	Dominick	Jackson	Pierce	
Albea	Folsom	Leonard	Radney	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Vacca	
Clark	Harris	Nabors		—30

Nay: Mr. Lindsey —1

The Bill:

S. 536. To further amend Section 1 of Act No. 936, H. 652, Regular Session of 1951 Acts of the Legislature of Alabama, Page 1605, an Act relating to Supernumerary Circuit Judges, so as to regulate further their compensation while actively performing the duties of a Circuit Judge.

was taken up.

Mr. Skidmore offered the following amendment to the Bill, S.B. 536, to-wit:

AMENDMENT TO S. B. 536

Amend SB 536 by striking therefrom the words and figures $7,200 and substituting in lieu thereof the words and figures $9,600.

Which was adopted.

Yeas 21; Nays 4.

Yeas:

Messrs.:	Goodwyn	Lolley	Pelham	
Childs	Harris	McCarley	Pierce	
Clark	Hawkins	Morrow	Radney	
Folsom	Jackson	Nabors	Skidmore	
Giles	Leonard	O'Bannon	Torbert	
Givhan	Lindsey			—21

Nays:

Messrs.:	Carr	Dominick	McDermott	
Albea				—4

And said Bill, S. B. 536, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 1.

Yeas:

Messrs.:	Givhan	Lindsey	Pelham	
Carr	Goodwyn	Lolley	Pierce	
Childs	Harris	McCarley	Radney	
Clark	Hawkins	McDermott	Skidmore	
Folsom	Jackson	Morrow	Stone	
Giles	Leonard	Nabors	Torbert	
				—23

Nay: Mr. Albea —1

The Bill:

H. 459. Relating to public contracts; providing that a public officer shall not designate the insurance company, agent or broker for insurance in public buildings or construction contracts.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	O'Bannon	
Albea	Giles	Lindsey	Oden	
Bailes	Givhan	Lolley	Pelham	
Branyon	Goodwyn	McCarley	Pierce	
Childs	Harris	McDermott	Radney	
Clark	Hawkins	Morrow	Skidmore	
Cooper	Jackson	Nabors	Vacca	
Dominick				—28

Nays: —0

The Bill:

S. 205. Relating to crimes and offenses; defining certain crimes relative to credit cards, including offenses relative to obtaining, possessing, using, dealing in, forging, signing and providing goods and services upon presentation of a credit card; prescribing certain presumptions and proscribing certain defenses relative to the crimes hereby defined; prescribing penalties; and providing that this act is cumulative.

was taken up.

Mr. Morrow offered the following amendment to the Bill, S. B. 205, to-wit:

AMENDMENT TO S. B. 205

Amend S. B. 205 by:

1. Deleting subsection (b) of Section 1 of said bill and substituting in lieu thereof the following: "(b) Credit Card. "Credit card" means any instrument or device whether known as a credit card, credit plate, credit card number, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit."

2. Deleting subsection (c) of Section 1 of said bill and substituting in lieu thereof the following: "(c) Expired credit card. "Expired Credit Card" means a credit card which is no longer valid because the term or series number shown on it has expired."

3. Deleting subsection (a) of Section 3 of said bill and substituting in lieu thereof the following: "(a) Theft by taking or retaining possession of card taken. A person who takes a credit card or the information therefrom from the person, possession, custody or control or another without the cardholder's consent or who, with knowledge that it has been so taken, receives the credit card or the information therefrom with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder is guilty of credit card theft and is subject to the penalties set forth in subsection (a) of

section 10 of this act. Taking a credit card or the information therefrom without consent includes obtaining it by conduct defined or known as statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, or obtaining property by false pretense, false promise or extortion.

A person who has in his possession or under his control credit cards or the information therefrom issued in the names of two or more other persons is presumed to have violated this subsection."

4. Deleting subsection (b) of Section 3 of said bill and substituting in lieu thereof the following: "(b) Theft of credit card lost, mislaid, or delivered by mistake. A person who receives a credit card or the information therefrom that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of credit card theft and is subject to the penalties set forth in subsection (a) of section 10 of this act."

5. Deleting subsection (c) of Section 3 of said bill and substituting in lieu thereof the following: "(c) Purchase or sale of credit card of another. A person other than the issuer who sells a credit card or the information therefrom or a person who buys a credit card or the information therefrom from a person other than the issuer violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act."

6. Deleting subsection (e) of Section 3 of said bill and substituting in lieu thereof the following: "(e) Dealing in credit cards of another. A person, other than the issuer, who during any twelve-month period, receives credit cards or the information therefrom issued in the names of two or more persons which he has reason to know where taken or retained under circumstances which constitute credit card theft or a violation of section 2 of this act or subsection (c) or (d) of this section violates this subsection and is subject to the penalties set forth in subsection (b) of section 10 of this act."

7. Deleting Section 4 of said bill and substituting in lieu thereof the following:"Section 4. Fradulent use of or representation of authority to use illegally obtained or illegally possessed credit card, forged credit card or revoked, expired or fictitious credit card. A person, who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything of value, or any other person, (i) uses for the purpose of obtaining money, goods, services or anything else of value a credit card, or the information therefrom, obtained or retained in violation of section 3 of this act or a credit card which he knows is forged, expired or revoked, or (ii) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued, violates this subsection and is subject to the penalties set forth in subsection (a) of section 10 of this act, if the value of all money, goods, services and other things of value obtained in violation of this subsection does not exceed $500 in any six-month period. Knowledge of revocation shall be presumed to have been received by a cardholder four days after it has been mailed to him at the address set forth on the credit card or at his last known address by registered or certified mail, return receipt requested, and, if, the address is more than five hundred miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received ten days after mailing by registered or certified mail.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Engel	Lolley	Pierce	
Albea	Folsom	McDermott	Radney	
Bailes	Giles	Morrow	Skidmore	
Branyon	Gilmore	Nabors	Stone	
Childs	Hawkins	O'Bannon	Vacca	
Cooper	Leonard			—25

Nays: —0

And said Bill, S. B. 205, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Stone	
Clark	Harris	Morrow	Torbert	
Cooper	Hawkins	Nabors	Vacca	
Dominick	Jackson	O'Bannon		—30

Nays: —0

The Bill:

H. 675. To provide in every County having a population of 500,000 or more according to the last or any subsequent Federal census for the creation of a public corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and tourists to the county; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 675, to-wit:

SENATE SUBSTITUTE FOR H. B. 675

A BILL
TO BE ENTITLED
AN ACT

To provide in every County having a population of 500,000 or more according to the last or any subsequent Federal census for the creation of a public corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the county; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census and to no other county.

Section 2. The following words and terms, as used in this act, shall have the meanings hereby ascribed to them: "the county" means any county to which this act applies; "the Bureau" means the public corporation for which this act provides; "the Board" means the Board of Directors of the Authority; "the largest city" means that city of the county having the largest population according to the last or any subsequent Federal census; "the Chamber of Commerce" means that organization the headquarters of which is in the largest city to the membership in which any reputable person engaged in mercantile, manufacturing, banking, jobbing or similar business is eligible, and which most nearly of all organizations in such city, regardless of name, performs the functions of such organizations as are commonly known as Chambers of Commerce; "person" includes a natural person, corporation, partnership, association or other entity; "City Motel-Hotel Association" means that association in the largest city the membership of which is composed of persons engaged in the hotel, motel, tourist court or similar business in such city or in the county and which has the largest membership of any such organization in said city.

Section 3. There is hereby established in the county a public corporation for the purposes herein specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Bureau".

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be "Greater Convention and Visitors Bureau". In the blank space will be inserted the name of the largest city.

The Board of Directors of the Bureau may choose some name other than that above specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be filed for record in the office of the Probate Judge of the county a copy of the resolution of the Board of Directors stating the name adopted by the Bureau, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors.

Section 4. The Bureau shall be authorized and empowered to conduct programs, including but not limited to programs of information and publicity designed to attract conventions and tourists to the area. The Bureau shall be authorized to conduct such programs in Alabama and elsewhere, and to expend its funds in the furtherance of such programs in Alabama and elsewhere.

The Bureau may enter into contracts with any person, firm, corporation or association to carry out the purposes set forth in this act. No contract entered into by the Authority shall bind the State or any county or municipality of the State.

The Bureau shall have the power (a) to sue and be sued; (b) to acquire property and rights and interests, in property by gift, lease or purchase; (c) to have a seal and alter the same at pleasure; (d) to appoint officers, agents, employees and attorneys, and to fix their compensation; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and

to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to accept or receive gifts, bequests and devises; (h) to borrow money and execute notes and other evidence of indebtedness which may be required by the lender, and pledge anticipated revenue or income to secure payment of any such loan, provided, however, that no such pledge shall extend for more than one year from the date on which the loan is made; and (i) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes and for no other purposes the Bureau shall be authorized to use and apply the proceeds of any taxes which the Legislature provides shall be payable to the Bureau.

Section 5. The affairs and business of the Bureau shall be managed and conducted by the Board of Directors provided for herein.

The President of the City Motel-Hotel Association shall occupy Directorship No. 1. That person representing the classification of Motel-Hotel business on the Chamber of Commerce Board of Directors shall occupy Directorship No. 2. The President of the Chamber of Commerce shall occupy Directorship No. 3. The Chairman of the Board of Directors of the Civic Center Authority, established by Act No. 547 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, p. 797) shall occupy Directorship No. 4. Those occupying Directorships numbered 1 through 4 shall elect a person to hold Directorship No. 5.

The first term for Directorship No. 5 shall commence on the date of the appointment of the person first appointed to said Directorship and shall end on the last day of the fourth October subsequent to the date of such appointment. Thereafter, the term for Directorship No. 5 shall be for a period of four (4) years, with the second term commencing on the first day of November, immediately following expiration of the first term and ending on the last day of October four (4) years later.

No person except a qualified elector of the County shall occupy any Directorship.

The provisions set forth below shall govern the filling of any numbered directorship not filled by the person above described within sixty (60) days from the adoption of this act; and the said provisions shall also apply to the filling of any vacancy later occurring with respect to any of the five numbered positions, not so filled within sixty (60) days after such vacancy occurs. As hereinafter used in this Section 5, the term "vacancy" means a vacancy in respect to any of the five numbered directorships existing immediately upon the adoption of this act. If a vacancy in any of the numbered positions continues for more than sixty (60) days, such vacancy shall be filled by the then remaining members of the Board of Directors of the Bureau.

The members of the Board shall serve without compensation, except that they shall be reimbursed in full for actual expenses incurred in and about the performance of their duties for the Bureau.

Section 6. The power of the Bureau shall be vested in and exercised by the Board subject to the provisions of this Act.

The Board shall be authorized to employ agents, employees, officers, consultants, attorneys and to secure such services and assistance as the Board

deems necessary to enable it to conduct, and engage in the activities and purposes for which this Bureau is created.

The Board may delegate to one or more of its members, employees, agents or officers, such duties as it deems proper.

The Board shall elect a Chairman and a Vice Chairman of said Board who shall serve as Chairman in the event of the Chairman's absence. The Board shall also elect a Treasurer, Assistant Treasurer, Secretary and Assistant Secretary. One person may serve as Treasurer and Secretary, or as Assistant Treasurer and Assistant Secretary. The Treasurer, Assistant Treasurer, Secretary or Assistant Secretary may but need not be a member of the Board.

The Board shall provide by resolution for the dates on which the Chairman, Vice Chairman, Treasurer and Secretary shall be elected, which resolution shall specify the term or period for which each of the officers last named shall serve.

The Treasurer shall act as custodian of all of the funds from whatever sources derived received by such officer.

The Treasurer of the Bureau shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board.

Contracts of the Bureau shall be executed in the name of the Bureau by the Chairman of the Board and attested by the Secretary of the Bureau; provided, however, that the Board may by resolution provide for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the Chairman and Secretary. In no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board.

Section 7. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Mr. Morrow offered the following amendment to the substitute for the Bill, H. B. 675, to-wit:

AMENDMENT TO SENATE SUBSTITUTE FOR H. B. 675

Amend Senate Substitute to H. B. 675 by adding to the end of the fifth paragraph of Section 5. thereof the following: "If any directorship is not filled in the manner herein proivded for within ninety (90) days from the adoption of this Act, or if a vacancy occurs and is not filled in the manner provided for above within ninety (90) days, then in either event the majority of the Senate representing the County shall fill such directorship and shall certify the name of the individual elected to the other directors.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 675, was then adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Oden	
Adams	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Carr	Goodwyn	McDermott	Skidmore	
Childs	Harris	Morrow	Stone	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

And said Bill, H. B. 675, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Oden	
Adams	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Carr	Goodwyn	McDermott	Skidmore	
Childs	Harris	Morrow	Stone	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 942. To levy in Jefferson County a privilege or license tax on persons, corporations, partnerships, firms, associations and other entities engaged in the business of renting or furnishing rooms, lodgings or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration, and also a privilege or license tax on persons engaged in the business of renting or furnishing space for the accommodation of trailers; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collecting and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; to provide that the said Director of Revenue shall pay one percent (1%) of the total amount of the said taxes collected by him to the treasury of the County, as compensation to the County for expenses incurred by the County in the collection of said taxes and in the administration and enforcement of this act; to provide that the said director of Revenue shall pay all of the proceeds of the taxes, except the one percent (1%) deducted as aforesaid, to the convention and tourism authority of the County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1969, which provides for a convention and tourism authority in counties of the state having a population of 500,000 or more according to the last or any subsequent Federal census: to repeal all ordinances of any municipalities within the County imposing, or levying, any license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the charges made for rooms, lodgings or accommodations; to provide that the aforesaid repeal of municipal ordinances shall not impair the power of the governing body of any municipality to re-enact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist

court business based on the gross receipts of such business, or on a percentage of the total charges made for rooms, lodgings or accommodations; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the Act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 942, to-wit:

SENATE SUBSTITUTE TO H. B. 942

A BILL
TO BE ENTITLED
AN ACT

To levy in Jefferson County a privilege or license tax on persons, corporations, partnerships, firms, associations and other entities engaged in the business of renting or furnishing rooms, lodgings or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; to provide that the said Director of Revenue shall pay one per cent (1%) of the total amount of the said taxes collected by him to the treasury of the County, as compensation to the County for expenses incurred by the County in the collection of said taxes and in the administration and enforcement of this act; to provide that the said director of Revenue shall pay all of the proceeds of the taxes, except the one percent (1%) deducted as aforesaid, to the convention and visitors authority of the County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1969, which provides for a convention and visitors bureau in counties of the state having a population of 500,000 or more according to the last or any subsequent Federal census: to repeal all ordinances of any municipalities within the County imposing, or levying, and license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the charges made for rooms, lodgings or ordinances shall not impair the power of the governing body of any municipality to re-enact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the total charges made for rooms, lodgings or accommodations; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Jefferson County.

Section 2. As used herein, the words and terms defined in this Section 2 shall have the meanings hereby ascribed to them. "County" means Jefferson County. The term "effective date of the Act" means the first day of the calendar month next following the calendar month in which this Act is adopted.

Section 3. (a) The taxes levied by this act shall become effective, or

go into effect, on the first day of the calendar month next following the calendar month in which this act is adopted.

(b) Commencing on the effective date of the taxes, as specified in subsection (a), above, in addition to all other taxes imposed by law, there is hereby levied and shall be collected by the Director of Revenue as herein provided a privilege or license tax in the amount hereinafter prescribed against every person engaging in the County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall deduct any pay to the treasury of the county one percent (1%) of the total amount of the said taxes, to compensate the county for the expenses incurred by it in collecting said taxes and in administering this act. Following that deduction, the Director of Revenue shall pay the remainder of the taxes to the convention and tourism authority of the county created under the Act adopted during the Regular 1969 Session of the Legislature providing for a convention and tourism authority in counties having a population of five hundred thousand or more. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms.

There are exempted from the provisions of the tax levied by this Section 3 and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298 et seq.), as amended, said Act being commonly referred to as the State Sales Tax Act; boarding houses, tourist homes and similar establishments regularly offering less than five rooms for rental to transients; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more. The exemption hereby provided shall apply to any property sold or services furnished which are required to be included in any sales tax now or hereafter levied by the State of Alabama.

(c) The taxes levied by this Section 3, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 3 shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

(d) It shall be the duty of every person engaged or continuing in any

business subject to the taxes levied by this Section 3 to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(e) Any person who fails to pay the tax levied by this Section 3 within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one percent (½ of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. The failure of any person to pay any tax levied by this act within the time specified for the payment of the same by the act shall constitute a misdemeanor; and the violation of any of the provisions of this act by any person shall constitute a misdemeanor. Any person violating any provisions of this act shall upon conviction be punished by fine of not more than five hundred dollars ($500) and may also be sentenced to hard labor for the County for not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Section 5. None of the provisions of this act shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

Section 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by any of the following Acts: Act No. 248 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, p. 586), as amended by Act No. 269 of the Regular Session of the Legislature of Alabama of 1963, (Ala. Acts 1963, p. 715), and Act No. 525 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts 1965, p. 775).

Section 7. There are hereby repealed all existing ordinances of all municipalities within the county imposing, or levying any license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the charges made for rooms, lodgings or accommodations. Such repeal of municipal ordinances shall not impair the power of the governing body of any municipality to reenact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist court business based on the gross receipts of such business or on a percentage of the total charges made for rooms, lodgings or accommodations.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law; but the taxes levied by this act shall not go into effect, or become effective, until the date specified in subsection (a) of Section 3 of this act.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Cooper	Hawkins	Oden	Vacca	
Dominick	Lindsey			—25

Nays: —0

And said Bill, H. B. 942, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Cooper	Hawkins	Oden	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

S. 502. Relating to the dispensing of minimum program school funds by the state board of education; providing for the direct payment thereof to certain independent city boards of education; relieving county boards of education in which such cities are located of certain duties and imposing such duties on city boards of education; providing for the implementation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	O'Bannon	
Albea	Gilmore	Leonard	Pelham	
Bailes	Givhan	Lindsey	Pierce	
Branyon	Goodwyn	Lolley	Radney	
Clark	Harris	McCarley	Stone	
Dominick	Hawkins	Nabors	Torbert	
				—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snell:

H. 217. Relating to the state military department and the head thereof; adding the title of commanding general of the state military forces to the existing title of adjutant general; prescribing the meaning to be accorded hereafter to the term adjutant general, when used in other laws, and amending Code of Alabama 1940, Title 35, Section 67, in order to reflect such change and to define such department's composition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 217. To the Committee on Public Buildings and Grounds.

BILLS ON THIRD READING RESUMED

The Bill:

S. 619. To make an appropriation out of the general fund of the state treasury for the relief of the estate of Charles M. Pinkston.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Nabors
Adams	Folsom	Jackson	O'Bannon
Albea	Giles	Leonard	Pierce
Bailes	Gilmore	Lindsey	Stone
Branyon	Givhan	Lolley	Torbert
Clark	Goodwyn	McCarley	Turner
Dominick	Harris	Morrow	Vacca

—27

Nays: —0

The Bill:

S. 507. To amend the provisions of Title 22, Section 215, Code of Alabama, 1940, as amended, by exempting associations and cooperative corporations from payment of license fees as milk producers.

was taken up.

The Standing Committee on Agriculture reported the following amendment to the Bill, S. B. 507, to-wit:

AMENDMENT TO S. B. 507

Amend Senate Bill 507, page two, paragraph two, line nineteen, after the word "producer" by adding the following words: ", provided however that all of the member producers of or shipping to the association or cooperative corporation have themselves paid the license fee herein set for producers."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Morrow	
Adams	Engel	Hawkins	Nabors	
Albea	Folsom	Jackson	Oden	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McDermott	Turner	
Childs	Goodwyn			—25

Nays: —0

And said Bill, S. B. 507, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 31; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Nabors	
Adams	Dominick	Hawkins	O'Bannon	
Albea	Engel	Jackson	Oden	
Bailes	Folsom	Leonard	Pelham	
Branyon	Giles	Lindsey	Skidmore	
Carr	Gilmore	Lolley	Stone	
Childs	Givhan	McCarley	Turner	
Clark	Goodwyn	McDermott	Vacca	
				—31

Nays: —0

The Bill:

S. 508. To amend the provisions of Title 22, Section 206, Code of Alabama, 1940, as amended, by changing the definitions of milk dealer, producer, wholesale producer, and cooperative marketing association in the milk board law.

was taken up.

The Standing Committee on Agriculture reported the following amendment to the Bill, S. B. 508, to-wit:

AMENDMENT TO S. B. 508

On page two, line twelve, beginning with the word "jobbing" and adding the word "processing" thereafter and before the word "or".

Also, on page two, paragraph two, line ten, after the word "purposes" and before the word "said", include the following words: "Said term in-

cludes an association in which producers hold membership or an association which holds written authority from producers to act as agent or representative in purchasing or marketing milk and which processes and distributes said producer milk at wholesale or retail."

Also, on page three, paragraph one, line two, after the word "milk" add the following words: ", but which does not process or distribute said producer milk at wholesale or retail."

Also, on page four, paragraph two, line seven, after the word "milk" add the following words: ", but which does not process or distribute said producer milk at wholesale or retail."

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	O'Bannon
Adams	Folsom	Leonard	Oden
Albea	Giles	Lindsey	Pelham
Bailes	Gilmore	Lolley	Radney
Branyon	Givhan	McCarley	Skidmore
Carr	Goodwyn	McDermott	Stone
Childs	Harris	Morrow	Turner
Cooper	Hawkins	Nabors	Vacca
Dominick			

—32

Nays: —0

And said Bill, S. B. 508, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 32; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham
Adams	Folsom	Lindsey	Pierce
Albea	Giles	Lolley	Radney
Bailes	Gilmore	McCarley	Skidmore
Branyon	Givhan	Morrow	Stone
Carr	Goodwyn	Nabors	Torbert
Childs	Harris	O'Bannon	Turner
Cooper	Hawkins	Oden	Vacca
Dominick			

—32

Nays: —0

The Bill:

S. 509. To amend the provisions of Title 22, Section 228, Code of Alabama, 1940, as amended, by changing the provisions of the milk board law with respect to cooperative corporations.

was taken up.

The Standing Committee on Agriculture reported the following amendment to the Bill, S. B. 509, to-wit:

AMENDMENT TO S. B. 509

Amend Senate Bill 509 on page two, line four, beginning with the word "with" and ending with the word "quota" by striking out the word "plant" and adding in lieu thereof the word "producer".

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—33

Nays: —0

And said Bill, S. B. 509, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Engel	Jackson	Pelham	
Albea	Folsom	Leonard	Radney	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon		—30

Nays: —0

The Bill:

S. 419. To amend Sections 71, 75, 76, and 82 of Title 10, Code of Alabama 1940, which provide for the exercise of the power of eminent domain by certain corporations and certain rights and limitations relating to such exercise of the power of eminent domain.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 419, to-wit:

SENATE JUDICIARY COMMITTEE

SUBSTITUTE FOR S. B. 419

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 71, 75, 76 and 82 of Title 10, Code of Alabama

1940, which provide for the exercise of the power of eminent domain by certain corporations and certain rights and limitations relating to such exercise of the power of eminent domain.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 71 of Title 10, Code of Alabama 1940 is hereby amended to read as follows:

"Section 71. Power of eminent domain and to condemn. Corporations formed for the purpose of constructing, operating, or maintaining railroads, street railroads, gas or electric works, water companies, power companies, canals, terminals, bridges, viaducts, wharves, piers, telegraph or telephone lines, pipelines or any other work of internal improvement of public utility, may exercise the power of eminent domain in the manner provided by law."

Section 2. Section 75 of Title 10, Code of Alabama 1940 is hereby amended to read as follows:

"Section 75. Street railroads, telegraph, telephone, water, gas, electric, canal, pipeline companies may acquire rights of way and rights of condemnation. - Street railroad companies, telegraph, telephone, water, gas, electric, power, canal, pipeline companies, and all other companies formed for constructing, operating, or maintaining any work of internal improvement or public utility, may acquire by condemnation for a right of way for their railways, lines, tunnels, canals, dams, pipelines, excavations, or works, lands for ways and rights of way not exceeding one hundred feet in width, throughout the entire length of such railways, lines, tunnels, canals, dams, pipelines, excavations, or works, together with the right to cut down such trees as might, by falling, injure the same; together with the necessary lands, other than lands for ways and rights of way, for the construction or installation of facilities, apparatus or equipment necessary for the operation of such railways, lines, tunnels, canals, dams, pipelines, excavations or works."

Section 3. Section 76 of Title 10, Code of Alabama 1940 is hereby amended to read as follows:

"Section 76. Lines, works, etc., not to be constructed through yards, curtilage of dwellings, gardens, stable lots, etc. - Unless otherwise provided for by law, no street railroad company or any other corporation, except railroad companies, pipeline companies, and public works companies shall, without the consent of the owner, construct any railway, tramway, canal, tunnel, underground passage, telegraph or telephone line, aqueduct, pipeline or any other line or works through any yard or curtilage of a dwelling house, garden, stable lot or barn."

Section 4. Section 82 of Title 10, Code of Alabama 1940 is hereby amended to read as follows:

"Section 82. Railroads, mining corporations, etc., may enter on land to make survey, examinations for proposed lines, works, etc. - Railroads, street railroads, and mining, and manufacturing, power, and quarrying, telegraph and telephone, pipeline and other corporations having rights and powers to condemn, may cause such examinations and surveys for their proposed railroads, pipelines, lines, facilities, apparatus or equipment as may be necessary to the selection of the most advantageous routes and sites, and for such purpose may, by their officers, agents, and servants, enter upon the lands and waters of any person, but subject to liability for all damages done thereto, and may, in the construction of their lines or sites, cross navigable streams,

but must not impede the navigation thereof; may use, cross, or change public roads, when necessary, in the construction of their railways, switches, branches, lines, pipelines, facilities, apparatus, equipment or buildings, and must place the public road so crossed, used, or changed, in condition satisfactory to the county authorities having the control thereof, but where practicable the railroads must go over or under the public roadway, or railroad track, and may also cross or intersect with any other railroad or street railway, and if such crossing or intersection cannot be made by contract or agreement, may acquire the rights thereto by condemnation in the mode provided by law."

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 29; Nays 2.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Dominick	Hawkins			—29

Nays: Messrs. Lindsey and O'Bannon —2

And said Bill, S. B. 419, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 6.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Adams	Givhan	Lolley	Pierce	
Branyon	Goodwyn	McCarley	Radney	
Carr	Harris	McDermott	Stone	
Clark	Hawkins	Nabors	Torbert	
Engel	Jackson	Oden		—22

Nays:

Messrs.:	Bailes	Dominick	O'Bannon	
Albea	Cooper	Lindsey		—6

The Bill:

S. 420. To amend Section 88 of Act No. 414, S. 261, approved November 13, 1959 (General Acts of Alabama 1959, Vol. 2, Page 1055) entitled "An Act to provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to

repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940." by adding pipeline companies to the corporations included in said Section 88.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 8.

Yeas:

Messrs.:	Giles	Jackson	Pelham	
Adams	Gilmore	Leonard	Pierce	
Branyon	Givhan	Lolley	Radney	
Carr	Goodwyn	McCarley	Stone	
Clark	Harris	McDermott	Torbert	
Folsom	Hawkins	Oden		—22

Nays:

Messrs.:	Cooper	Lindsey	O'Bannon	
Albea	Dominick	Nabors	Skidmore	
Bailes				—8

The Bill:

S. 265. To authorize local boards of education to fix and collect tuition fees and charges from pupils attending schools under the jurisdiction of such boards, but who live outside the territory over which such boards of education have jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 1.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Adams	Engel	Jackson	O'Bannon	
Albea	Giles	Leonard	Pelham	
Bailes	Gilmore	Lindsey	Pierce	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Clark	Harris	McDermott	Torbert	
Cooper				—28

Nay: Mr. Radney —1

The Bill:

S. 77. To create the State Board of Examiners of Nursing Home Administrators; to prescribe the powers of the State Board of Examiners of Nursing Home Administrators; to provide for the issuance of licenses for nursing home administrators.

was taken up.

Mr. Cooper offered the following substitute for the Bill, S. B. 77, to-wit:

SUBSTITUTE FOR S. B. 77

A BILL
TO BE ENTITLED
AN ACT

TO CREATE THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; TO PRESCRIBE THE POWERS OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; TO PROVIDE FOR THE ISSUANCE OF LICENSES FOR NURSING HOME ADMINISTRATORS; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT AND RULES AND REGULATIONS PROMULGATED THEREUNDER.

Be it ENACTED by the Legislature of the State of Alabama:

Section 1. Definitions. As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

(a) "Board" means the board of examiners of nursing home administrators of the state of Alabama.

(b) "Examiner" means a member of the board of examiners of nursing home administrators of the state of Alabama.

(c) "Secretary" means the secretary of the board of examiners of nursing home administrators of the state of Alabama.

(d) "Nursing home administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

(e) "Provisional license" is a temporary license issued to a provisional nursing home administrator by the board of examiners of nursing home administrators.

(f) "Provisional nursing home administrator" means an individual who has been issued a provisional license by the board of examiners of nursing home administrators of the state of Alabama.

(g) "State licensing board for the healing arts" means the board created by Act No. 106, H. 150, approved August 26, 1959 (Acts of Alabama, 1959, Vol. 1, p. 592).

(h) "Practice of nursing home administration" means the planning, organizing, directing, and control of the operation of a nursing home.

(i) "Nursing home" means any institution or facility defined as such for licensing purposes under state law.

Section 2. Administrator license required. Effective July 1, 1970, no nursing home in the state may operate unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license, or provisional license, issued by the board of examiners of nursing home administrators. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card or device to indicate that he is a nursing home administrator, unless such person shall have been duly licensed as a nursing home administrator or as a provisional nurs-

ing home administrator. Provided, however, that in the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated, or has his license revoked, the person or persons then responsible for the management of the nursing home shall immediately notify the board of examiners of nursing home administrators and the agency issuing the nursing home license, and shall be allowed a reasonable period of time, in accordance with policies adopted by the board, to be established by the agency issuing the nursing home license, not to exceed one hundred eighty (180) days from the date of the death, unexpected resignation, incapacitation, or revocation of the license of the nursing home administrator in which to replace the said administrator. During said reasonable period of time, the board may issue an emergency permit to a person performing the functions of administrator in such nursing home without being in violation of the provisions of this Act.

Section 3. Function of the state licensing board for the healing arts relating to nursing home administrators. The state licensing board for the healing arts shall not have any jurisdiction over the issuance of licenses to nursing home administrators.

Section 4. Membership, terms and appointment to board.

(a) There shall be a board of examiners of nursing home administrators, which board shall, prior to July 1, 1975, be composed of nine (9) members as follows: five (5) members shall be nursing home administrators duly licensed and registered under this act, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required under this act; two (2) members shall be physicians licensed under the laws of the state of Alabama who are actively concerned in their practice with the care of chronically ill and infirm, aged patients; one (1) member shall be a hospital administrator; and one (1) member shall be a pharmacist duly licensed under the laws of the state of Alabama. On July 1, 1975, and thereafter the board shall consist of eleven (11) members and the two (2) additional members shall be nursing home administrators duly licensed under this act. All members of the board shall be citizens of the United States and shall be residents of this state.

(b) Three (3) members of the initial board shall be appointed for a one (1) year term of office; three (3) members of the initial board shall be appointed for a two (2) year term of office; and three (3) members of the initial board shall be appointed for a three (3) year term of office. Thereafter, the term of office of each member of the board shall be three (3) years. The two (2) additional members of the board to be appointed on July 1, 1975, shall be appointed for three (3) year terms of office. No member shall serve more than two (2) consecutive full three (3) year terms.

(c) Appointments to the board for those positions to be held by nursing home administrators shall be made by the governor from a list of three (3) nominees for each position to be submitted to the governor by the Alabama nursing home association; the appointment to the board of the members for the positions to be held by physicians shall be made by the governor from a list of three (3) nominees for each position to be submitted by the board of censors of the medical association of the state of Alabama; the appointment to the board of the member for the position to be held by a hospital administrator shall be made by the governor from a list of three (3) nominees to be submitted to him by the Alabama hospital association; and the appointment to the board of the member for the position to be held by a licensed pharmacist shall be made by the governor from a list of three (3) nominees to be submitted to him by the Alabama pharmaceutical association.

(d) The governor may remove any examiner for misconduct, incapacity, incompetence, or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three (3) consecutive meetings of the board within a calendar year, without cause acceptable to the governor and the board shall be deemed cause for removal of any examiner.

(e) Any vacancy created by the death, resignation, or removal of any examiner shall be filled by the governor, by appointment for the unexpired term, in the same manner as he is required by this act to make appointments.

(f) Each member of the board shall receive a per diem fee of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) to be determined by the board for the time spent in the performance of his official duties and in necessary travel and shall be reimbursed for all proper travel and incidental expenses as provided by the laws of the state of Alabama and by regulations of the state personnel director incurred in carrying out the provisions of this act. In setting the per diem fee, the board shall give due consideration to funds which are available for such purpose.

(g) The board shall hold four (4) or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in section 13 of this act. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in section 13 of this act. Meetings may be called by the chairman or by a majority of the members of the board. Members shall be given seven (7) days written notice of all meetings.

(h) The board shall annually elect one of its members to serve as its chairman, and he shall be elected at the first meeting of the board held after the first day of October of each year, and shall serve until the first meeting held after the first day of October of the following year. The board shall also annually elect one of its members to serve as its vice-chairman, and he shall be elected at the first meeting of the board held after the first day of October of each year, and he shall serve until the first meeting held after the first day of October of the following year. In the event of the death, resignation, or removal of the chairman from the board, the vice-chairman shall succeed said chairman for the remainder of his unexpired term; and in the event of the death, resignation or removal of the vice-chairman from the board, or in the event of his succeeding to the office of chairman, his successor shall be elected by the board to fill the remainder of his unexpired term as vice-chairman. The chairman of the board, and in his absence, the vice-chairman, shall preside at all meetings of the board. The chairman of the board may appoint a secretary to the board with the consent of the members of the board who shall serve at the pleasure of the board. The secretary's salary shall be fixed by the board and he shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the provisions of the merit system.

Section 5. Functions and duties of the board.

(a) It shall be the function and duty of the board to:

(1) develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which

standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) issue licenses to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(5) establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards; and

(6) conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(b) The board shall have the authority to:

(1) make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act, Federal Rules and Regulations promulgated thereunder, and other pertinent federal authority; and

(2) establish, provide, or approve various education programs or courses for nursing home administrators, and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a pre-requisite to their being admitted to the examination or issued a license, and requiring licensed nursing home administrators to attend such programs or courses as a pre-requisite to their being issued any license renewal.

Section 6. Advisory council. The governing body of the Alabama nursing home association shall constitute an advisory council to the board of examiners of nursing home administrators, and the board of examiners of nursing home administrators shall be required to counsel with the advisory council in connection with the administration of the provisions of this act.

Section 7. Qualifications for admission to examination. The board shall admit to examination for licensure as a nursing home administrator any candidate who submits evidence of good moral character and suitability prescribed by the board; and who submits evidence to the board that he is at least twenty-one (21) years of age, a citizen of the United States, or that he

has duly declared his intention of becoming a citizen of the United States, that he is a high school graduate or has completed an educational program equivalent thereto, and that he has completed any additional educational requirements prescribed by the board. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee of one hundred dollars ($100.00).

Section 8. Examinations. (a) The board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content, and format of such examinations which in any examination shall be the same for all candidates; provided, however, that such examinations shall include examination of the applicant to demonstrate his proficiency in the rules and regulations of health and safety. The examination provided for herein shall consist of both written and oral questions.

(b) Examinations shall be held at least four (4) times each year, at such times and places as the board shall designate.

Section 9. Licenses. (a). An applicant for a license as a nursing home administrator who has

(1) successfully complied with the educational and training requirements of this act and of the rules and regulations of the board promulgated under this act, and

(2) qualified for and passed the examination provided for in this act, shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws, rules, and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(b). (1) The Board shall issue a provisional license to any individual applying therefor who [a] has served as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970, and [b] meets the standards of the board and of this act relating to good character, suitability, age, and citizenship, and [c] prior to the issuance of such provisional license, pays a provisional license fee of fifty dollars ($50.00).

(2) Such provisional license shall terminate at midnight on June 30, 1972, and shall be cancelled and be of no legal force or effect thereafter; provided, however, that if, prior to the expiration of such provisional license, such provisional nursing home administrator shall have passed a qualifying examination as required by the board, a nursing home administrator's license shall be issued to him.

(3) A provisional license or extensions thereof may not be issued to any persons after June 30, 1972.

(c) The state board of health, with the concurrence of the board of examiners of nursing home administrators, shall provide or arrange for the provision of, during all of the period of time in which provisional licenses are in effect, a program of training and instruction designed to enable all provisional nursing home administrators to attain the qualifications necessary for a license as a nursing home administrator. The board of examiners of nursing home administrators may approve programs conducted within and without this state sufficient to meet education and training requirements establishing pursuant to this act. For the purposes of this subdivision, the state board of health shall have the authority to receive and disburse federal funds received pursuant to Section 1908 (e) (1) of the Social Security Act for the purpose

of providing programs of training and instruction for provisional nursing home administrators.

Section 10. Reciprocity. The board, in its discretion, and otherwise subject to the provisions of this act and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a nursing home administrator license, may issue a license to a nursing home administrator who has been issued a license by the proper authorities of any state, or issued a certificate of qualification by any national organization, upon payment of a fee of one hundred dollars ($100.00), and upon submission of evidence satisfactory to the board: (a) that such other state or national organization maintained a system and standards of qualification and examinations for a nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time such other license or certificate was issued by such other state or national organization; and (b) that such other state give similar recognition and endorsement to nursing home administrator licenses of this state.

Section 11. Renewal of licenses. (a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this act shall immediately upon issuance thereof have the right and privilege of acting and serving as a nursing home administrator, and of using the abbreviation "N. H. A." after his name. Thereafter, such individual shall biennially be required to make application to the board for a renewal of his license and report any facts requested by the board on forms provided for such purpose.

(b) Upon making application for a renewal of his license such individual shall pay a biennial renewal fee of ten dollars ($10.00), and, at the same time, shall submit evidence satisfactory to the board that during the biennium immediately preceding such application for renewal he has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

(c) Upon receipt of such application for renewal of license, the renewal fee and the evidence with respect to continuing education, the board shall issue a license renewal to such nursing home administrator.

(d) A nursing home administrator who has been duly licensed in this state, whose license shall not have been revoked or suspended, but who has not secured timely biennial renewals of his license because he has temporarily abandoned the practice of nursing home administration, or has removed from the state, or for such other reason, may renew his license within the state upon complying with the provisions of this section for applications for renewal, and also, filing with the board an affidavit of such facts. Provided, however, that the board may, in its discretion, require an examination for such an applicant who has not held a valid license in this state for five years or longer.

(e) The board shall maintain a register of all applications for licensing of nursing home administrators, which register shall show the following information on each applicant: residence, name, age, the name and address of his employer or business connection, the date of application, educational and experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(f) The board shall publish biennially a list of all persons holding current licenses issued by the board.

Section 12. Penalties. (a) It shall be a misdemeanor for any person to:

(1) sell or fraudulently obtain or furnish any license or aid or abet therein; or

(2) to practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued, or

(3) practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed to so practice under the provisions of this act, or

(4) practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator during the time his or her license issued under the provisions of this act, shall be expired, suspended, or revoked, or

(5) otherwise violate any of the provisions of this act.

(b) Such misdemeanor shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for not more than ninety (90) days or by both such fine and imprisonment.

Section 13. Disciplinary proceedings. (a) The license of any person practicing or offering to practice nursing home administration, or the license of a provisional nursing home administrator may be revoked or suspended by the board, or such person may be reprimanded, censured or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(1) upon proof that such person has willfully or repeatedly violated any of the provisions of this act or the rules enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is administrator;

(2) upon proof that such person's conduct is immoral, unprofessional, or dishonorable;

(3) upon proof that such person is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice;

(4) upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude.

(b) The board shall have the jurisidction to hear all charges brought under the provisions of this section against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measures should be taken, the board may revoke his or her license, suspend him or her from practice, or reprimand, censure, or otherwise discipline such person.

(c) All proceedings under this section shall be heard by the board with at least two-thirds (⅔) of its members present, and decisions to discipline any licensee shall require a vote of two-thirds (⅔) of the membership of the entire board; provided, however, that the board may designate three (3) or

more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the board, and with the authority to dismiss frivolous or unfounded charges.

(d) At any hearing under this act the person charged shall have the right to appear either personally or by counsel or both, to produce witnesses and evidence in his own behalf, and to cross-examine witnesses. The board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the board. The circuit court of the county wherein said hearing is to take place shall have authority, on application of the board, to enforce obedience to said subpoenas and orders of the board concerning such testimony.

Section 14. Restoration of license. The board may, for good cause shown, upon such terms as the board may prescribe, re-issue a license to any person whose license has been revoked.

Section 15. Review of decisions of board of examiners of nursing home administrators. Any party aggrieved by a final decision or order of the board of examiners of nursing home administrators suspending, revoking, or refusing to issue a license is entitled to a review of such decision or order by taking an appeal to the circuit court in equity of the county in which the nursing home administrator or applicant resides. In such cases, such appeal shall be taken by filing notice thereof with the register of the circuit court in equity within thirty (30) days of the date of notice by the board of its decision. Appeals from any order or decree rendered thereon by the circuit court to the supreme court of Alabama shall be available as in other equity cases.

Section. 16. Authorization to receive and expend funds. The board of examiners of nursing home administrators is hereby authorized to receive and expend, in carrying out the purposes of this act, all sums paid by applicants and registrants as provided in this act, and all sums which might be appropriated for such purposes, and are also authorized to receive and expend any funds available for such purposes from the federal government.

Section 17. Separability clause. If any section or provision of this act shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this act are to be severable.

Section 18. Effective date. This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming law.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham
Adams	Giles	Lindsey	Pierce
Albea	Gilmore	Lolley	Radney
Bailes	Givhan	McCarley	Stone
Branyon	Goodwyn	McDermott	Torbert
Carr	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca
Dominick	Jackson		

—29

Nays: —0

Mr. Nabors offered the following amendment to the Bill, S. B. 77, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 77 (AS SUBSTITUTED)

Amend S. B. 77 as substituted by adding at the end of Section 2 the following:

"This Act shall not apply to any institution conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of such church or denomination and exempt from licensing, and, notwithstanding any other provision of this Act, no license and registration or provisional license shall be required of any individual responsible for planning, organizing, directing, controlling and administering such institution."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 22; Nays 8.

Yeas:

Messrs.:	Dominick	Goodwyn	O'Bannon	
Adams	Engel	Jackson	Pelham	
Branyon	Folsom	Leonard	Skidmore	
Carr	Giles	Lindsey	Turner	
Clark	Gilmore	Lolley	Vacca	
Cooper	Givhan	McDermott		—22

Nays:

Messrs.:	Harris	Oden	Radney	
Albea	Nabors	Pierce	Torbert	
Bailes				—8

And said Bill, S. B. 77, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Engel	Jackson	Pelham	
Albea	Folsom	Leonard	Pierce	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	Lolley	Skidmore	
Carr	Givhan	McDermott	Stone	
Clark	Goodwyn	Nabors	Torbert	
Cooper	Harris	O'Bannon	Vacca	
				—31

Nays: —0

The Bill:

S. 223. To amend Section 19 of Act No. 108, H. B. 152, approved August 26, 1959 (Acts 1959, v. 1., p. 618), an act relating to the practice of chiropractic so as to require the completion of fifteen hours annually of professional educational work to be approved by the state board of chiropractic

examiners as a condition for the renewal of certificates of qualification to practice chiropractic.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 1.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—29

Nay: Mr. Gilmore —1

The Bill:

S. 335. To amend Section 291 of Title 46 of the Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lindsey	Pierce	
Branyon	Gilmore	Lolley	Radney	
Carr	Givhan	McDermott	Skidmore	
Cooper	Goodwyn	Morrow	Stone	
Dominick	Hawkins	Nabors	Vacca	
				—27

Nays: —0

The Bill:

S. 336. To amend Section 259 of Title 46 of the Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lindsey	Pierce	
Branyon	Gilmore	Lolley	Radney	
Carr	Givhan	McDermott	Skidmore	
Clark	Goodwyn	Morrow	Stone	
Cooper	Hawkins	Nabors	Vacca	
Dominick				—28

Nays: —0

The Bill:

S. 154. To amend Section 156, Title 41, Code of Alabama 1940.

was taken up.

Mr. McDermott offered the following amendment to the Bill, S. B. 154, to-wit:

AMENDMENT TO S. B. 154

Amend S. B. No. 154 by amending the title to read as follows:

"To amend Section 156, Title 41, Code of Alabama 1940, to require the governing body of any county or any incorporated municipality to approve or disallow statement of traveling expenses of any officer or employee of such county or municipality within thirty days after presentment."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Oden	
Albea	Giles	Lolley	Pelham	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Clark	Hawkins	Nabors	Vacca	
Cooper	Leonard			—25

Nays: —0

And said Bill, S. B. 154, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House, without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pelham	
Adams	Dominick	Lolley	Radney	
Albea	Folsom	McCarley	Skidmore	
Bailes	Giles	McDermott	Stone	
Branyon	Gilmore	Morrow	Turner	
Carr	Givhan	Nabors	Vacca	
Clark	Hawkins	Oden		—26

Nays: —0

The Bill:

S. 155. To amend Section 13 of Title 37, Code of Alabama 1940.

was taken up.

Mr. McDermott offered the following substitute for the Bill, S. B. 155, to-wit:

SUBSTITUTE FOR S. B. 155

A BILL

TO BE ENTITLED

AN ACT

To amend Section 13 of Title 37, Code of Alabama 1940 by requiring the Judge of Probate to file certified copies of his order of incorporation in certain places and providing for a fee for such services.

Be it enacted by the Lesislature of Alabama:

Section 1. That Section 13 of Title 37, Code of Alabama 1940, be and the same is hereby amended to read as follows:

"Section 13. CENSUS ENUMERATION OF INHABITANTS. Within five days after the election, the inspectors must certify the result to the judge of probate, who must, if a majority of the votes cast at the election are for "corporation", cause an enumeration of the inhabitants residing within such territory to be made by such inspectors, or other persons appointed by him, and, within three days after such enumeration has been completed and returned to him, shall make an order to be entered of record in the minutes of the court, that the inhabitants of such territory are incorporated as a town or city, as the case may be, by the name and with the boundaries shown by the petition; thereupon such town or city shall be vested with the rights and powers herein granted, incident to such corporations. The judge of probate shall file, within ten days after its issuance, a certified copy of his order of incorporation in the regular corporation books maintained by him in his office and also in the office of the secretary of state and for filing each such order there shall be paid, in advance, to the probate judge, a fee of five dollars."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Lolley	Pierce	
Adams	Dominick	McDermott	Radney	
Albea	Gilmore	Morrow	Skidmore	
Bailes	Goodwyn	Nabors	Stone	
Branyon	Hawkins	Oden	Turner	
Carr	Jackson	Pelham	Vacca	
Clark	Leonard			—25

Nays: —0

And said Bill, S. B. 155, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pierce	
Adams	Dominick	Lolley	Radney	
Albea	Gilmore	McDermott	Skidmore	
Bailes	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson	Pelham		—26

Nays: —0

The Bill:

S. 153. To amend further Section 188 of Title 37 of the Code of Alabama, 1940, as amended by Act Number 642, Acts of the Legislature of Alabama, 1947 (General Acts Alabama 1947, page 495), which relates to mode of consolidating contiguous municipalities.

was taken up.

Mr. Dominick offered the following amendment to the Bill, S. B. 153, to-wit:

AMENDMENT TO SENATE BILL 153

Amend Senate Bill 153 by inserting in line 17 of Section 1, after the word "upon" and before the word "a" the following phrase: "the expiration of forty-five (45) days after".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dominick	Lolley	Pelham	
Adams	Givhan	McCarley	Pierce	
Albea	Goodwyn	McDermott	Radney	
Bailes	Hawkins	Morrow	Stone	
Branyon	Jackson	Nabors	Turner	
Clark	Leonard	Oden	Vacca	
Cooper				—24

Nays: —0

Mr. Bailes offered the following amendment to the Bill, S. B. 153, as amended, to-wit:

AMENDMENT TO S. B. 153

Amend S. B. 153 by striking the words "fifteen percent" wherever they appear and insert in lieu thereof the words "ten percent".

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Bailes	Dominick	Harris
Adams	Branyon	Givhan	Hawkins
Albea	Clark	Goodwyn	Jackson

Lolley	Nabors	Pierce	Torbert	
McCarley	Oden	Radney	Turner	
McDermott	Pelham	Stone	Vacca	
Morrow				—24

Nay: Mr. Cooper —1

And said Bill, S. B. 153, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Givhan	McCarley	Radney	
Bailes	Goodwyn	McDermott	Stone	
Branyon	Harris	Morrow	Torbert	
Clark	Hawkins	Nabors	Turner	
Cooper	Jackson	Oden	Vacca	
				—27

Nays: —0

The Bill:

S. 157. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Adams	Givhan	McCarley	Radney	
Bailes	Goodwyn	McDermott	Stone	
Branyon	Harris	Morrow	Torbert	
Clark	Hawkins	Nabors	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard	Pelham		—26

Nays: —0

The Bill:

S. 159. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

was taken up.

The Standing Committee on Municipalities and Municipal Organizations reported the following amendment to the Bill, S. B. 159, to-wit:

AMENDMENT TO S. B. 159

Amend S. B. 159 as follows: At the end of Section 1, change the period to a comma and add the following:

"or to any attempted incorporation the validity of which is an issue in any pending suit, in a court of competent jurisdiction, commenced prior to effective date of this Act."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham
Adams	Givhan	Lolley	Pierce
Albea	Goodwyn	McCarley	Radney
Bailes	Harris	McDermott	Stone
Branyon	Hawkins	Morrow	Torbert
Clark	Jackson	Nabors	Turner
Cooper	Leonard	Oden	Vacca
Dominick			

—28

Nays: —0

And said Bill, S. B. 159, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 1.

Yeas:

Messrs.:	Folsom	Leonard	Oden
Adams	Gilmore	Lindsey	Pelham
Albea	Givhan	Lolley	Pierce
Bailes	Goodwyn	McCarley	Radney
Branyon	Harris	McDermott	Stone
Clark	Hawkins	Morrow	Torbert
Cooper	Jackson	Nabors	Vacca
Dominick			

—28

Nay: Mr. Turner —1

The Bill:

S. 34. To amend Section 666 of Title 7 of the Code of Alabama, 1940, as amended, relating to wages and salary of decreased employees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 1.

Yeas:

Messrs.:	Folsom	Leonard	Oden
Adams	Gilmore	Lindsey	Pelham
Albea	Givhan	Lolley	Pierce
Bailes	Goodwyn	McCarley	Radney
Branyon	Harris	Morrow	Skidmore
Clark	Hawkins	Nabors	Torbert
Cooper	Jackson	O'Bannon	Vacca
Dominick			

—28

Nay: Mr. McDermott —1

The Bill:

H. 529. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama 1959, p. 1483, and by Act No. 44, General Acts of Alabama 1965, Special Sess., p. 64, and to provide the time when the amendment shall become effective.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Pelham	
Adams	Gilmore	Lindsey	Pierce	
Albea	Givhan	McCarley	Radney	
Bailes	Goodwyn	Morrow	Skidmore	
Clark	Harris	Nabors	Stone	
Cooper	Hawkins	O'Bannon	Torbert	
Folsom	Jackson	Oden	Vacca	
				—27

Nays: —0

The Bill:

H. 530. To further amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and associate judges of the Court of Appeals, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 979), and amended by Act No. 595, General Acts of Alabama 1959, p. 1484, and by Act No. 43, General Acts of Alabama 1965, Special Sess., p. 63, and to provide the time when the amendment shall become effective.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pelham	
Adams	Givhan	Lolley	Pierce	
Albea	Goodwyn	McCarley	Radney	
Bailes	Harris	Morrow	Skidmore	
Clark	Hawkins	Nabors	Stone	
Cooper	Jackson	O'Bannon	Torbert	
Folsom	Leonard	Oden	Vacca	
Giles				—28

Nays: —0

The Bill:

S. 190. To prohibit the feeding of garbage to swine and to repeal conflicting laws, including Act No. 187, Regular Session 1953 (Acts 1953, p. 240).

was taken up.

The question was on the substitute for the Bill offered by Mr. Folsom, which said substitute is set out at length in the Journal of the Senate for the Twentieth Legislative Day.

And said substitute for the Bill, S. B. 190, was then adopted by the Senate.

Yeas 25; Nays 4.

Yeas:

Messrs.:	Giles	Leonard	Oden	
Adams	Gilmore	Lindsey	Pelham	
Albea	Givhan	McCarley	Pierce	
Bailes	Goodwyn	Morrow	Radney	
Clark	Harris	Nabors	Stone	
Dominick	Hawkins	O'Bannon	Torbert	
Folsom	Jackson			—25

Nays:

Messrs.:				
Cooper	Lolley	Skidmore	Turner	
				—4

And said Bill, S. B. 190, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 8.

Yeas:

Messrs.:	Goodwyn	McCarley	Pierce	
Adams	Harris	Morrow	Radney	
Albea	Hawkins	Nabors	Stone	
Folsom	Jackson	O'Bannon	Torbert	
Gilmore	Leonard	Pelham	Vacca	
Givhan				—20

Nays:

Messrs.:	Giles	Lolley	Skidmore	
Cooper	Lindsey	Oden	Turner	
Dominick				—8

The Bill:

H. 279. To promote safe transportation of pupils to and from schools and in school related activities; to direct the state board of education to prescribe certain rules and regulations designed to promote this purpose; to provide for school transportation managers or supervisors; to prescribe certain equipment for school buses; to provide for safety inspection of school buses; to provide for special training and licensing of school bus drivers; and to prescribe penalties.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Bailes	Engel	Gilmore
Adams	Clark	Folsom	Givhan
Albea	Dominick	Giles	Harris

Hawkins	McCarley	Oden	Stone
Jackson	Morrow	Pierce	Torbert
Leonard	Nabors	Radney	Turner
Lindsey	O'Bannon	Skidmore	Vacca
Lolley			

—28

Nays: —0

The Bill:

H. 901. To validate public hospital associations for public hospital purposes attempted to be organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or amended, where the governing body of a county, a city, or both, has or have authorized the incorporation of such association but where the attempted incorporation is invalid or irregular because of some irregularity in the procedure for incorporation.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	O'Bannon
Adams	Folsom	Leonard	Oden
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	McCarley	Radney
Clark	Givhan	Morrow	Skidmore
Dominick	Hawkins	Nabors	Vacca

—23

Nays: —0

The Bill:

S. 104. To amend Code of Alabama 1940, Title 49, Sections 78, 85, and 89, to increase the maximum age for children in the care or custody of individuals or institutions supervised by the state board of public welfare.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham
Albea	Giles	Lolley	Pierce
Bailes	Gilmore	McCarley	Radney
Branyon	Givhan	McDermott	Skidmore
Carr	Goodwyn	Morrow	Torbert
Cooper	Hawkins	Nabors	Turner
Dominick	Jackson	Oden	Vacca
Engel			

—28

Nays: —0

The Bill:

S. 105. To amend further Code of Alabama 1940, Title 52, Sections 590 and 591, so as to raise the age of the boys who may be committed to, received and cared and provided for at the Alabama Boys Industrial School.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pierce	
Adams	Engel	Leonard	Radney	
Albea	Giles	Lindsey	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Clark	Harris	Oden	Vacca	
Cooper	Hawkins	Pelham		—30

Nays: —0

The Bill:

S. 106. To amend Code of Alabama 1940, Title 13, Chapter 7, which relates to juvenile courts, so as to raise the maximum age for juvenile court jurisdiction and to revise certain of the rules relative to process of and procedures in such courts; amending Sections 350, 352, 353, 359, 360, 362, 363, 366, and 367.

was taken up.

Mr. Radney offered the following amendment to the Bill, S. B. 106, to-wit:

AMENDMENT TO S. B. 106

S. B. 106 is hereby amended by inserting in Section 1, in the paragraph amending Section 360 of Title 13, Code of Alabama 1940, immediately following the statement, "Probation officers shall serve during the pleasure of the court and shall be removable by said court at any time," the following words: "Provided, however, that this shall not apply in counties in which there has been, or shall hereafter be, established by legislative act, any provisions to the contrary."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Albea	Gilmore	McCarley	Radney	
Bailes	Goodwyn	Morrow	Torbert	
Branyon	Hawkins	Nabors	Turner	
Carr	Jackson	O'Bannon	Vacca	
Cooper	Leonard			—25

Nays: —0

And said Bill, S. B. 106, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce
Albea	Gilmore	Lolley	Radney
Bailes	Goodwyn	Morrow	Skidmore
Branyon	Hawkins	Nabors	Torbert
Carr	Jackson	O'Bannon	Turner
Cooper	Leonard	Pelham	Vacca
Dominick			

—24

Nays: —0

The Bill:

S. 277. To amend Code of Alabama 1940, Title 22, Sections 20 and 37; further regulating the bureau of vital statistics in the state health department; designating the duties, responsibilities and compensation of the state registrar of vital statistics; providing for official certificate forms.

was taken up.

Mr. Pelham offered the following amendment to the Bill, S. B. 277, to-wit:

AMENDMENT TO S. B. 277

Amend S. B. 277 by placing a period after the word "registrar" on the eighth line from the bottom of Section 1 and strike the rest of that line and the words "health officer" from the seventh line from the bottom of Section 1.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden
Adams	Folsom	Leonard	Pelham
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	Lolley	Radney
Branyon	Givhan	McCarley	Skidmore
Carr	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—31

Nays: —0

And said Bill, S. B. 277, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Branyon	Giles	Harris
Adams	Carr	Gilmore	Hawkins
Albea	Clark	Givhan	Jackson
Bailes	Cooper	Goodwyn	Leonard

Lolley	O'Bannon	Pierce	Torbert	
McCarley	Oden	Radney	Turner	
Morrow	Pelham	Skidmore	Vacca	
Nabors				—28

Nays: —0

The Bill:

S. 603. To make it unlawful to tear down, deface, or change a detour sign, warning sign, barricade or fence or to drive around a barricade or fence and drive upon a section of road not officially opened until it be opened to general traffic by competent authority.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Gilmore	Lolley	Pierce	
Albea	Givhan	McCarley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Branyon	Harris	Morrow	Stone	
Carr	Hawkins	Nabors	Torbert	
Clark	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—29

Nays: —0

MOTION TO ADJOURN LOST

At 8:10 P.M., Mr. Cooper moved that the Senate adjourn until Tuesday, July 29, 1969, at 12 o'clock Noon, which motion was lost.

Yeas 13; Nays 17.

Yeas:

Messrs.:	Gilmore	McDermott	Radney	
Adams	Lindsey	Morrow	Skidmore	
Bailes	Lolley	Oden	Stone	
Cooper	McCarley			—13

Nays:

Messrs.:	Folsom	Hawkins	Pelham	
Branyon	Giles	Jackson	Pierce	
Carr	Givhan	Leonard	Turner	
Clark	Goodwyn	Nabors	Vacca	
Dominick	Harris			—17

BILLS ON THIRD READING RESUMED

The Bill:

S. 328. Relating to actions and parties; providing for maintenance of actions ex delicto against publicly owned and operated hospitals.

was taken up.

POINT OF ORDER

Mr. Nabors raised a Point of Order on amendments ruled out of order, and requested a written statement from the Presiding Officer relative to same.

STATEMENT BY PRESIDING OFFICER

The Constitutional requirement that the subject of the bill must be clearly expressed in its title is satisfied only if the title sufficiently discloses the subject of the amendment and of the bill so as to apprise the Legislature and the public of the matter to be dealt with in the bill.

When there is a fair expression of the general subject matter of the bill in its title, all matters reasonably related to it may be included in the bill. But when an entirely different subject is introduced by way of an amendment and is in no way related to the matter stated in the title, then it is not germane.

The entire purpose of a title to a bill is to inform the other legislators and the public as to what probably could be included in the bill itself.

FURTHER CONSIDERATION OF S. B. 328

The Senate proceeded to further consideration of the Bill, S. B. 328.

Mr. Branyon moved that further consideration of the Bill, S. B. 328, be postponed until the next Legislative Day. On motion of Mr. Skidmore, the motion to postpone was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Dominick	Lindsey	Radney	
Albea	Engel	McDermott	Skidmore	
Bailes	Goodwyn	O'Bannon	Torbert	
Carr	Leonard	Pelham	Turner	
Clark				—16

Nays:

Messrs.:	Giles	Jackson	Nabors	
Adams	Gilmore	Lolley	Pierce	
Branyon	Harris	McCarley	Stone	
Cooper	Hawkins	Morrow	Vacca	
				—15

And said Bill, S. B. 328, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 18; Nays 14.

Yeas:

Messrs.:	Dominick	Lindsey	Radney	
Albea	Engel	McDermott	Skidmore	
Bailes	Goodwyn	O'Bannon	Torbert	
Carr	Hawkins	Oden	Turner	
Clark	Leonard	Pelham		—18

Nays:

Messrs.:	Giles	Jackson	Pierce	
Adams	Gilmore	Lolley	Stone	
Branyon	Givhan	Morrow	Vacca	
Cooper	Harris	Nabors		—14

MOTION TO RECONSIDER

Mr. Skidmore moved that the Senate reconsider the vote by which it passed the Bill, S. B. 328, and then moved that the motion to reconsider be laid on the table. The motion to table prevailed.

CALENDAR BILL RE-REFERRED

Mr. Gilmore moved that the Bill:

H. 78. To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

be ordered removed from the Calendar and re-referred, which motion was adopted, and the President and Presiding Officer of the Senate ordered said Bill re-referred to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

H. 455. To levy in Escambia County a county privilege tax upon every person engaging in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, or from beneath the soil or the waters of Escambia County, which tax shall be in addition to all other taxes including the state oil and gas tax levied by Act No. 2, H. 47, approved May 19, 1945 (Gen. Acts 1945, p. 20); to provide for the collection and enforcement of the tax by the state department of revenue in the same manner as the state oil and gas tax and to incorporate by reference certain provisions of said Act No. 2 with respect to assessments, and the time and manner of making reports and payments and the provisions thereof prescribing penalties for violations; to authorize the state revenue department to make rules and regulations to effectuate the purposes of this act; to provide that the revenue derived from the tax shall be used solely for the use of the public schools in Escambia County; and to prescribe additional penalties for certain violations.

was taken up.

The Standing Committee on Forestry and Conservation reported the following amendment to the Bill, H. B. 455, to-wit:

AMENDMENT TO H. B. 455

In Section 2, in the last sentence in such section, strike out the words, two per cent, and insert in lieu thereof the following words: one per cent.

Also, in Section 11, strike out the figures, 1969, and insert in lieu thereof the following figures: 1971.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Bailes	Gilmore	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Clark	Goodwyn	Morrow	Stone	
Cooper	Hawkins	Nabors	Torbert	
Dominick	Jackson	Oden	Turner	
				—27

Nays: —0

Mr. Lindsey moved that further consideration of the Bill, H. B. 455, as amended, be postponed until the Thirtieth Legislative Day. Mr. Jackson moved that the motion to postpone be laid on the table, which resulted in a tie vote, therefore the motion to table was lost.

Yeas 13; Nays 13.

Yeas:

Messrs.:	Engel	Jackson	O'Bannon	
Adams	Giles	Leonard	Pierce	
Albea	Givhan	McCarley	Turner	
Branyon	Goodwyn			—13

Nays:

Messrs.:	Hawkins	Morrow	Radney	
Bailes	Lindsey	Nabors	Torbert	
Cooper	Lolley	Pelham	Vacca	
Harris	McDermott			—13

The question recurred on the motion to postpone, which was adopted, and further consideration of the Bill, H. B. 455, as amended, was postponed until the Thirtieth Legislative Day.

The Bill:

S. 565. To declare the public policy of the State of Alabama with respect to all laws governing seafoods, aquatic life and salt water matter; to create the Alabama Marine Conservation Commission, to prescribe its authority, jurisdiction, powers and functions and to provide for the appointment, qualifications, terms and compensation of its members; to authorize the commission to appoint an advisory council; to abolish the Division of Seafoods in the State Conservation Department and to transfer its authority, jurisdiction, duties, property and funds including the control of the seafoods fund to said commission; to authorize the appointment of administrative personnel and other employees subject to the state merit system laws; to provide for the licensing and taxing of boats and vessels used in taking or catching seafoods and of persons, firms and corporations dealing in seafoods; to provide for the cultivation of oyster reefs and the leasing of oyster bottoms; to regulate and fix requirements for contracts for the sale or removal of shells; to provide for the disposition and use of all funds accruing to the commission; to provide for the enforcement of this act and to authorize certain municipalities to aid and cooperate therein; to prescribe penalties for violations and to provide for appeals from regulations and decisions; and to repeal conflicting laws.

was taken up.

MOTION TO ADJOURN LOST

At 9:40 P.M., Mr. Morrow moved that the Senate do now adjourn until tomorrow at 12 o'clock Noon, which motion was lost.

Yeas 15; Nays 18.

Yeas:

Messrs.:	Dominick	McDermott	Radney
Adams	Goodwyn	Morrow	Skidmore
Albea	Leonard	O'Bannon	Stone
Carr	Lolley	Oden	Vacca

—15

Nays:

Messrs.:	Engel	Hawkins	Pelham
Bailes	Giles	Jackson	Pierce
Branyon	Gilmore	Lindsey	Torbert
Clark	Givhan	McCarley	Turner
Cooper	Harris	Nabors	

—18

FURTHER CONSIDERATION OF S. B. 565

The Senate then proceeded to further consideration of the Bill, S. B. 565. Mr. Bailes offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 565

Amend Section 4 (c)

Strike out $400.00 and insert $100.00.

RESOLUTION

Mr. Cooper offered the following Senate Resolution, to-wit:

S. R. 63. BE IT RESOLVED BY THE SENATE That when it adjourns today that it adjourns to meet again at 12:01 A.M., July 29th, 1969.

Which was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

At 10:25 P.M., Mr. Hawkins moved that the Senate do now adjourn until Tuesday, July 29, 1969, at 12 o'clock Noon, which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:	Hawkins	Morrow	Pierce
Bailes	Leonard	O'Bannon	Radney
Branyon	Lindsey	Oden	Vacca
Harris			

—12

Nays:

Messrs.:	Giles	Lolley	Pelham
Clark	Gilmore	McCarley	Stone
Cooper	Givhan	McDermott	Torbert
Dominick	Goodwyn	Nabors	Turner
Engel			

—16

FURTHER CONSIDERATION OF S. B. 565

The Senate proceeded to further consideration of the Bill S. B. 565. The question was on the amendment offered by Mr. Bailes, and said amendment was lost because of lack of a quorum.

Yeas 14; Nays 3.

Yeas:

Messrs.:	Folsom	Harris	Pierce	
Bailes	Giles	Leonard	Radney	
Clark	Gilmore	Lolley	Torbert	
Engel	Goodwyn	Pelham		—14

Nays:

Messrs.:	Hawkins	Nabors	Turner	
				—3

And said Bill, S. B. 565, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 12; Nays 9.

Yeas:

Messrs.:	Folsom	Leonard	Nabors	
Bailes	Giles	McCarley	Pelham	
Clark	Goodwyn	McDermott	Torbert	
Engel				—12

Nays:

Messrs.:	Hawkins	Oden	Radney	
Cooper	Lolley	Pierce	Turner	
Gilmore	Morrow			—9

ADJOURNMENT

At 10:47 P.M., on motion of Mr. Cooper, the Senate adjourned until Tuesday, July 29, 1969, at 12 o'clock Noon.

TWENTY-FIFTH LEGISLATIVE DAY

TUESDAY, JULY 29, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Reverend Mark E. Waldo, Rector, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
				—35

JOURNAL

On motion of Mr. Leonard, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pierce:

S. 749. To amend Section 712, Title 51, Code of Alabama, as amended, relative to the maintenance of the records of motor vehicle registration.

Committee on Public Buildings and Grounds.

By Messrs. McDermott and Radney:

S. 750. Relating to taxation; exempting regional planning and development commissions and their property from state, county and municipal taxation, including license taxes, excise taxes and any other taxes.

Committee on Finance and Taxation.

By Mr. Clark:

S. 751. To establish the Alabama Program Development Office; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies and private groups and institutions engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the appointment of the Director of Program Development and the employees of the Alabama Program Development Office; to define the powers and duties of the Alabama Program Development Office; to transfer to the Alabama Program Development Office all the functions, powers, authority and duties

and all the books, records, supplies, equipment and personnel heretofore had, exercised, used or employed by the State Planning and Industrial Development Board; to repeal all laws in conflict with this Act.

Committee on Public Buildings and Grounds.

By Messrs. McCarley and McDermott:

S. 752. Relating to education; to declare the public policy of the State of Alabama in regard to the use of free textbooks by all children attending public and non public elementary, junior high schools and high schools in the State; to authorize and direct county and city school boards to supply such books to all such school children who are attending public or non public schools within their respective jurisdiction; to authorize and direct the expenditure of state funds to provide such books; to authorize and direct local boards of education to enter into contracts for the distribution, collection, and storage of such books where necessary; and to provide a judicial remedy for the enforcement of this act.

Committee on Finance and Taxation.

By Messrs. McCarley and McDermott:

S. 753. Relating to education; to declare the public policy of the State of Alabama in regard to furnishing transportation to and from school for children attending public and non public elementary schools, junior high schools and high schools within the state; to declare that the furnishing of such transportation by the state constitutes a service rendered to the child receiving such aid and shall not be construed to be a service rendered to the school to which such child attends; to authorize and direct boards of education to provide such transportation; to authorize the expenditure of state funds to provide such transportation; to authorize the payment of state funds to parents, in lieu of providing such transportation, to assist them in providing such transportation; and to provide a judicial remedy for the enforcement of this act.

Committee on Finance and Taxation.

By Messrs. Gilmore, Folsom, Pelham, Childs, Vacca, Dominick, Bailes, Nabors and Branyon:

S. 754. To raise revenue and to that end to amend further Section 819 of Title 51 of the Code of Alabama of 1940, as heretofore last amended by an act of the Special Session of the Legislature of Alabama of 1969 and approved by the Governor the 14th day of May, 1969.

Committee on Finance and Taxation.

By Mr. Engel:

S. 755. To authorize and provide for the establishment, operation and financing of a Public Defender office in Mobile County, Alabama, for the representation and defense of persons accused of crime who are declared indigent by the Courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection of the Public Defender and for the employment and compensation of personnel and expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender office; to provide for the taxing

and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the County and Municipal bodies from which received.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for the establishment, operation and financing of a Public Defender office in Mobile County, Alabama, for the representation and defense of persons accused of crime who are declared indigent by the Courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection of the Public Defender and for the employment and compensation of personnel and expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender office; to provide for the taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the County and Municipal bodies from which received.

Be It Enacted by the Legislature of Alabama:

Section 1: There is hereby established the Public Defender Commission of Mobile County, Alabama, consisting of eight (8) members, each of whom shall be selected as set out below and shall serve the term of one (1) year:

a) During the term of their respective offices, the five (5) duly elected officers of the Mobile Bar Association,

b) During his term of office, one member of the Commissioners of the City of Mobile designated by said City Commission,

c) During his term of office as such, one member of the Mobile County Commission selected by said County Commission,

d) During his term of office as an elected official and member of the Mobile County Municipal Association, one member designated by said County Municipal Association. Members of such Public Defender Commission may be re-appointed to annual terms on said Commission so long as they are serving as an elected member of the group or board by whom designated.

e) In the event any vacancy in the Public Defender Commission shall

occur, the group or board which designated said withdrawing member shall appoint a successor from its membership provided that the members of the said Public Defender Commission shall, by a simple majority vote, select a replacement to serve until the designation of a successor by the group or board authorized herein to designate members of said Public Defender Commission.

f) Members of the Public Defender Commission shall serve without compensation as such but all reasonable expenses incurred by the Commission in the performance of its duties shall be paid or reimbursed from the Public Defender Fund on warrants drawn on the Treasurer of Mobile County by the Secretary of the Commission, approved in writing by the Chairman of the Commission.

g) The Chairman and the Secretary, respectively, of the Public Defender Commission of Mobile County, Alabama, shall be the duly elected President and Secretary of the Mobile Bar Association. The Commission shall have the power and authority to select the Public Defender; and within the limits of this Act:

(i) To fix his compensation;

(ii) Establish an annual budget for the Office of the Public Defender; and

(iii) To make and establish rules and regulations for the conduct and operation of the Commission and of the Public Defender Office.

Section 2:

a) The Commission by vote of a simple majority of its members shall select from among the lawyers licensed to practice law in Mobile County, Alabama, the Public Defender of Mobile County, Alabama, on the first Tuesday after the first Monday in November, 1969, and every four (4) years thereafter, with the initial four (4) year term beginning on January 1, 1970.

b) The Public Defender shall upon entering his duties take the oath of office set forth in Section 279 of the Constitution of Alabama, 1901. He shall serve full time and his duties shall be limited to representation of indigent defendants who are accused of criminal offenses where representation is required by law after a finding of indigency by the Court. After such finding of indigency, in the event of appointment by the Court, the Public Defender shall thereafter provide representation for such defendants in all matters pertaining to charges against such defendants, including post conviction proceedings. The Public Defender may be appointed by any state, county or municipal judge of any court in Mobile County where appointment of legal counsel shall be required by law.

c) The Public Defender may resign or be removed from office by a vote of six (6) members of the Commission on sixty (60) days written notice. Cause for such removal from office shall be willful neglect of duty, corruption in office, incompetency or intemperance in the use of intoxicating liquors or narcotics to such an extent in view of the dignity of the office and importance of its duties as unfits the Public Defender for the discharge of said duties or any offense involving moral turpitude while in office, or committed under color thereof or connected therewith. The decision of the Commission to remove the Public Defender shall be final and there shall be no right of appeal therefrom. Any vacancies in the office of the Public Defender shall be filled by the Public Defender Commission.

Section 3:

a) If any funds from any source be made available or offered to the Public Defender or his Assistants for the defense of any person for whom he has been appointed counsel, the same shall promptly be reported to the Court in which the case is pending; the Public Defender shall request the Court to make a further determination as to the effect of such available funds on the determination of indigency of the said Defendant. In the event that the Court shall find (a) that the Defendant is not an indigent, Section 5 below shall apply or (b) that the Defendant continues to be an indigent but that funds available should be accepted, such funds shall be paid directly to the Treasurer of Mobile County for deposit in the "Public Defender Fund."

b) All funds received by or payable to the Public Defender or the Assistant Public Defenders under the Provisions of Act No. 526, S. 362, approved September 16, 1963, as amended or supplemented, or pursuant to any other act or law now existing, or hereafter enacted shall be paid to the Treasurer of Mobile County, Alabama, and shall be placed by him in the Public Defender Fund.

c) In the event that any funds are received by the Public Defender, his Assistants or any other personnel in the Public Defender office by bequests, contributions or donations, all such funds shall be paid to the Treasurer of Mobile County, Alabama, and shall be placed by him in the Public Defender Fund.

d) Except as hereinabove provided, neither the Public Defender, nor any person employed by him in any capacity, including his Assistants, shall accept any money, funds, gifts or anything of value from any person whomsoever for any services rendered or to be rendered, pursuant to such employment in and by the Public Defender office.

Section 4: The provisions of this Act shall not be construed as preventing the appointment of any licensed attorney who requests such appointment in indigent cases, and a roster of such attorneys shall be kept by the Circuit Court Clerk which shall be available for use by the Judges of such Court. Each attorney appointed in such cases shall be entitled to receive for his services the fee provided in Act No. 526, S. 362, approved September 16, 1963, as amended, or supplemented, or pursuant to any other act or law now existing, or hereafter enacted.

Section 5:

a) In the event that, after the Public Defender has been appointed to represent a person accused of crime, it is determined by the Court in which the case is then pending that the Defendant is not then an indigent, or in the event the Defendant employs another attorney to defend him, the Court shall revoke the appointment of the Public Defender.

b) After being appointed to represent a person found to be indigent, the Public Defender is hereby authorized and directed to continue his investigation of indigency of said Defendant and his access to other funds and shall render a written report to the Court within sixty (60) days after such appointment.

c) Neither the Public Defender, nor any person in the employ of the Public Defender Offices, including his Assistants, shall suggest or recommend any attorney-at-law, by name or otherwise, to any person for any purpose at any time.

Section 6: The Public Defender for Mobile County shall be paid at an annual rate not exceeding the sum of NINETEEN THOUSAND FIVE HUNDRED DOLLARS ($19,500.00) in equal monthly installments by the Treasurer of Mobile County, Alabama, from "Public Defender Fund."

Section 7: Within the limits of this act and subject to the approval of the Public Defender Commission, the Public Defender may appoint personnel as stated below and fix their compensation. Each shall serve at the pleasure of the Public Defender and be compensated as follows:

a) Assistant Public Defender No. 1 shall be a lawyer licensed to practice law in Mobile County, Alabama and shall serve full time and shall be paid at an annual rate not exceeding FOURTEEN THOUSAND FIVE HUNDRED DOLLARS ($14,500.00) payable in equal monthly ments by the Treasurer of Mobile County, Alabama, from the "Public Defender Fund."

b) Assistant Public Defender No. 2 shall be a lawyer licensed to practice law in Mobile County, Alabama and shall serve full time and shall be paid at an annual rate not exceeding FOURTEEN THOUSAND FIVE HUNDRED DOLLARS ($14,500.00) payable in equal monthly installments by the Treasuer of Mobile County, Alabama, from the "Public Defender Fund."

c) An investigator who shall serve full-time and be compensated at a rate not exceeding the sum of EIGHT THOUSAND DOLLARS ($8,000.00) per annum. In the alternative, with the express approval of the Public Defender Commission, the Public Defender may, from time to time, secure investigative services by written contracts not exceeding such total sum annually. The Public Defender shall submit to the Public Defender Commission a written report and accounting, supported by vouchers of all sums expended for investigation not less frequently than quarter-annually.

d) Such secretarial, stenographic and clerical assistants as deemed necessary, each to be compensated at a rate not exceeding the sum of FIVE THOUSAND DOLLARS ($5,000.00) annually and shall be paid in equal monthly installments by the Treasurer of Mobile County from the "Public Defender Fund."

e) The provisions of any existing merit system or civil service law shall not be applicable to such personnel, so appointed, and the provisions of any law, local or general, in conflict with any of the provisions of this section are repealed.

Section 8: The expenses of operating the office of the Public Defender, including space rental, furniture purchase or rental, equipment, supplies, typewriters, telephones and other items that are reasonably necessary for the operation and maintenance of such an office are hereby authorized and may be budgeted and approved by the Public Defender Commission in an amount not exceeding the sum of NINE THOUSAND DOLLARS ($9,000.00) annually. Not later than August 15th of each year, the Public Defender shall submit a budget of all such expenses for the next calendar year for the operation of such office to the Public Defender Commission for approval. Not less frequently than semi-annually the Public Defender shall submit a written report and accounting, supported by appropriate vouchers, of all such expenditures to said Commission.

The Public Defender shall draw warrants on the Treasurer of Mobile

County for said expenditures by him for such purpose, indicating on the warrants the funds against which the warrants are drawn.

Section 9: Funds for the purchase of law books, reports and periodicals for the Public Defender office may be budgeted and authorized by the Commission in an amount not exceeding the sum of FIFTEEN HUNDRED DOLLARS ($1,500.00) per annum. The Public Defender shall submit a written report and accounting of such expenditures, together with appropriate vouchers, not less frequently than semi-annually to the said Commission.

The Public Defender shall draw warrants on the Treasurer of Mobile County for expenditure by him for such books, reports and periodicals, indicating on the warrants the funds against which the warrants are drawn.

Section 10: Funds for expert witnesses, legal exhibits, photographs, drawings and documents in connection with preparation and trial of criminal cases in which the Public Defender has been appointed may be budgeted and authorized by the Commission in an amount not exceeding the sum of THREE THOUSAND FIVE HUNDRED DOLLARS ($3,500.00) per annum. When any such funds for said purposes when deemed necessary are authorized, the same may be expended by the Public Defender provided that, he shall submit a written report and accounting of such expenditures, supported by appropriate vouchers, not less frequently than quarter-annually to the said Commission.

The Public Defender shall draw warrants on the Treasurer of Mobile County for said expenditure by him indicating on the warrants the funds against which the warrants are drawn.

Section 11: In order to provide a special fund for the maintenance of said Public Defender office, there shall be taxed as costs the sum of FIVE DOLLARS ($5.00) in each Civil or Quasi-Civil Action at Law, Suit in Equity, Criminal Case, Quasi-Criminal Case, proceeding on a Forfeited Bail Bond or proceeding on a Forfeited Bond hereafter given in connection with an appeal from a judgment or conviction of any Inferior or Municipal Court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of Mobile County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and when collected shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 12: There shall also be taxed as costs the sum of ONE DOLLAR ($1.00) in each Criminal and Civil Case hereafter filed in the Court of General Sessions, which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 13: There shall also be taxed as costs the sum of FIFTY CENTS ($.50) in each Civil Case hereafter filed in the Inferior Civil Court of Mobile County, Alabama, which costs shall be collected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 14: There shall also be taxed as costs the sum of ONE DOLLAR ($1.00) in each Criminal Case, Quasi-Criminal Case, and Civil Case, hereafter filed in all Municipal Courts in Mobile County, Alabama, with the exception of all cases involving parking violations, which costs shall be col-

lected as other costs in such cases are collected and when collected by the Clerk of said Court shall be paid by him to the Treasurer of Mobile County, Alabama.

Section 15: The sums herein provided to be paid to the Treasurer of Mobile County, Alabama, shall be kept by him in a separate fund designated as "Public Defender Fund" and shall be expended for the maintenance and operation of the Public Defender Office. The Public Defender shall draw warrants on the Treasurer for expenditures by him indicating on the warrants the funds against which the warrants are drawn. Said fund shall be used to pay such salaries, office expenses, law books, expert witness fees, legal exhibits, and investigation assistance, as may be budgeted and approved by the Public Defender Commission.

Section 16: At the end of each four (4) years after this Act is approved, the Public Defender Commission shall ascertain the total of the funds on hand in the Public Defender Fund as maintained by the Treasurer of Mobile County and shall cause warrants to be drawn thereon for ninety per cent (90%) thereof payable to the General Fund of Mobile County or each Municipal Body in proportion to the revenue received from each.

Section 17: If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portions hereof.

Section 18: This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

E. E. Koch being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 5, 12, 19, 26, 1969.

E. E. KOCH.

Sworn to and subscribed before me this 26 day of July 1969.

S. S. GATLIN,
Notary Public.

By Mr. Oden:

S. 756. Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

Committee on Local Legislation No. 1.

By Mr. Oden:

S. 757. To amend Section 12 of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330 at p. 334), an Act relating to the construction, maintenance and operation of public hospitals, health centers and related facilities, so as to provide for the leasing of such public hospitals, health centers and related facilities.

Committee on Public Buildings
and Grounds.

By Mr. Adams:

S. 758. To amend further Act No. 553, H. 145, Regular Session of 1955 (Acts, 1955, p. 1210), which grants to housing authorities and municipalities certain additional powers and authority relative to elimination and prevention of the development of slums and blight, in order to remove the special limitation on the use of such powers by housing authorities and municipalities in Houston County heretofore incorporated by amendment into such Act.

Committee on Local Legislation No. 1.

By Mr. Giles:

S. 759. To propose an amendment to the Constitution of Alabama authorizing and providing for the issuance of not more than $4,000,000 in principal amount of general obligation bonds of the State of Alabama for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville and the University of Alabama at Huntsville.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Hawkins:

S. 760. To create a junior college board; to repeal conflicting laws.

Committee on Public Buildings
and Grounds.

By Mr. Hawkins:

S. 761. To grant authority to junior colleges and trade schools to borrow money in anticipation of current revenues and pledge current revenues for payment of such loans if funds are not sufficient to pay teachers' salaries for any given month.

Committee on Public Buildings
And Grounds.

By Mr. Hawkins:

S. 762. To propose an amendment to the Constitution of Alabama to authorize the levying of a special school tax in each county in which a junior college is located for the support of the junior colleges within the county.

Committee on Public Buildings
and Grounds.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Hawkins:

S. 763. To create a junior college board; to repeal conflicting laws.

Committee on Public Buildings
and Grounds.

By Mr. Giles:

S. 764. Relating to counties having populations of not less than

110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Radney:

S. 73. To amend Code of Alabama 1940, Title 34, Section 90, which relates to the punishment for desertion and non-support by a husband or parent.

By Mr. Harris:

S. 427. To amend Code of Alabama 1940, Title 22, Section 258, which prescribes the penalty for possessing, transporting, delivering, selling, offering to sell, barter or give away marijuana and certain other drugs.

By Mr. Pierce:

S. 580. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

By Mr. Bank et al:

H. 423. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, H. 29, approved May 24, 1951 (Acts of Alabama 1951, p. 259); in relation to the periods during which service must be rendered, the duration of such service and the time of residence in Alabama of the veteran entitled to benefits under the Act; to eliminate certain redundancies in the Act; to clarify certain ambiguities therein; and to provide that the benefits authorized therein shall be in addition to other state and federal benefits accorded to children, wives and Widows of the Act.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Mr. House (with amendment):

H. 635. To amend further Section 2 of Act No. 217, S. 23 of the 1967 Special Session of the Legislature of Alabama (Acts 1967, p. 259), so as to exempt from the provisions of said act contracts relating to medical clinics boards.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill et al:

H. 722. To amend Act No. 249, H. 492, of the Regular Session of 1967 (Acts, Regular Session 1967, p. 629), which provides for the organization, creation, and operation of the state law institute so as to provide further for the composition of the governing body of the institute.

By Mr. Merrill:

H. 1004. To amend Act No. 531 adopted at the 1953 Regular Session of the Legislature of Alabama relating to pledges by municipalities, for the benefit of their securities, of that portion of the proceeds from any license, privilege or excise tax levied by local act apportioned and paid to such municipality, so that the said act shall hereafter apply to such taxes levied by any act; so as to provide that successive pledges of any such tax may be made on a parity with each other when the privilege so to do is reserved in proceedings of the municipality; and so as to ratify any pledges of the character authorized by the said act, as herein amended, that may have heretofore been made.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Giles:

S. 719. Relating to the practice of barbering in all counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, and having county boards of barber examiners; providing further for the authority and duties of such boards with respect to the licensing of barbers, barbers' apprentices, barber shops, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensees of such boards; providing rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

By Mr. Folsom (with notice and proof):

S. 739. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Messrs. Pelham, McDermott and Engel:

S. 745. Proposing an amendment to the Constitution of Alabama to authorize and direct the governing body of Mobile County to pay to the governing body of any municipality within Mobile County the proceeds of the one-fourth of one per centum tax on the taxable property located within such municipality.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Meade and Beck:

H. 860. Relating to all counties having populations of not less than 16,150 nor more than 17,250 according to the most recent federal decennial

census; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

By Mr. Holladay:

H. 1029. Relating to counties having a population of not less than 24,800 nor more than 25,400 according to the most recent Federal Decennial Census; to authorize the county governing body of any such county to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law.

By Mr. Smith:

H. 1058. To amend Section 6 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act to regulate further the procedure for the abandoning the Commission form of government and the reorganization of the city government thereafter in all cities of this state which have a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, with respect to the salary of the Mayor and Aldermen elected under the above act and to further establish the office of Mayor as a fulltime office.

By Mr. Harris:

S. 746. To provide for expense allowances of members of Boards of Education of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

By Mr. Jackson (with notice and proof):

S. 738. To alter and rearrange the boundary lines of the City of Brewton, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

By Mr. Jackson:

S. 734. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

By Mr. Jackson:

S. 735. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

By Mr. Jackson (with notice and proof):

S. 736. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

By Mr. Jackson (with notice and proof):

S. 737. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Adwell et al:

H. 1039. To provide that any city of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census shall be entitled to be reimbursed for all hospital bills, doctor's bills, medical expenses, employee salary while absent from duty, and other expenditures made by such city or agency as a result of an injury to an employee of such city or agency while in the actual performance of his duties as such employee, proximately caused by the negligence of a third person, to such employee of such city or agency thereof by the person, firm or corporation guilty of or liable for such negligence or to whom such negligence may be imputed; to provide for the enforcement of such right to reimbursement.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Snell:

H. 217. Relating to the state military department and the head thereof; adding the title of commanding general of the state military forces to the existing title of adjutant general; prescribing the meaning to be accorded hereafter to the term adjutant general, when used in other laws, and amending Code of Alabama 1940, Title 35, Section 67, in order to reflect such change and to define such department's composition.

By Mr. Springer:

H. 414. To amend the Code of Alabama, 1940, Title 51, Section 611 in relation to the license tax payable on motor vehicles.

By Mr. Adwell et al:

H. 677. To amend Act No. 529 of the 1949 Regular Session of the Legislature of Alabama approved September 2, 1949, (Acts of Alabama, 1949, pages 827 et seq.) entitled as heretofore amended, "An Act to apply in all counties of this state having a population of not less than 150,000 according to the last or any subsequent federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this state; to create a board to be known as the plumbers examining board; to define plumbing, master plumbers, journeymen plumbers, plumber apprentices and subjects related to plumbing; to provide for the appointment of members of said plumbers examining board and their terms of office; to provide for the payment of compensation to the members of said board and its employees; to define the powers conferred upon and the duties imposed upon said board; to provide funds for the maintenance, operations and functions of said board; to provide for the examination and certification of master plumbers, journeymen plumbers and plumbers apprentices; to provide for the payment of examination fees and certificate fees; to empower the board to revoke certificates; to provide for appeals from the ruling of the board; to provide for the execution and filing of bonds by plumbers; to pro-

vide for the collection, handling and disbursement of monies and funds received as fees by said board, and to provide for penalties for the violation of this Act"; so as to provide that municipalities having populations of not less than 130,000 nor more than 200,000 and municipalities having populations of 300,000 or more according to the last or any subsequent federal census may require additional examination, certification and regulation of plumbers doing plumbing work within the corporate limits of such cities.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pierce (with amendment):

S. 665. Relating to photography; defining and regulating the practice thereof; providing certificates; creating a photographers licensing board; prohibiting certain misrepresentation and deceptions in the industry; and providing penalties.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner:

S. 718. To amend Act No. 15, Third Special Session, Acts of Alabama, 1965, to provide that the Director of the Department of Archives and History shall be the executive director and archivist of the Alabama Academy of Honor created by said act.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale et al:

H. 23. To authorize the establishment and incorporation of the State Toll Bridge Authority; to empower said authority to finance, purchase, construct, and operate toll bridges in Alabama; to authorize said authority to issue bonds of indebtedness, enter into contracts, and collect tolls; and to authorize said authority to acquire and dispose of properties, and to exercise powers, privileges, and rights necessary for the construction, operation, and maintenance of toll bridge projects in this State.

By Messrs. Lybrand, Burgess and Merrill:

H. 213. Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12(2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite et al (with substitute):

H. 282. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Melton:

H. 360. To make an appropriation to the Governor's Office for the purpose of paying a contribution to the National Governors Conference.

By Messrs. Holladay, Mathews and Pruitt:

H. 420. To make an appropriation to the Governor's office for the payment of legal fees in connection with legal action filed or to be filed against the State Board of Education, local boards of education or superintendents of education.

By Mr. McCorquodale et al:

H. 439. To transfer and reappropriate certain monies heretofore appropriated to the Farmers Market Authority for other expenses to such Authority's account for equipment purchases; and to authorize and regulate the use of funds hereby transferred and reappropriated.

By Messrs. Merrill and Fite:

H. 629. To make an appropriation to the University of Alabama for the purchase of law library books in support of the Alabama Law Institute.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bassett et al (with amendment):

H. 765. To provide for the repair/or lease of heavy duty off-highway construction equipment including machinery used for grading, drainage, road construction and compaction for exclusive use of county and municipal, highway, street and sanitation departments by the county boards of revenue or other similar county governing bodies, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, relative to exemption from competitive bidding in the expenditure of public funds.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cook (Coffee), Foshee, McCorquodale and Agee:

H. 776. To amend further Section 1 of Act No. 518, H. 283, ap-

proved September 16, 1963 (Acts of Alabama, p. 1106), to fix the compensation of court reporters, and provide for the payment thereof.

By Mr. McCorquodale et al:

H. 857. To amend Section 713 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions for the distribution of the net proceeds from the license taxes and registration fees therein referred to.

By Mr. McCorquodale et al:

H. 858. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding $25,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

By Mr. Cook (Jefferson) et al:

H. 861. To amend Act No. 126 adopted at the Second Special Session of 1959 of the Legislature of Alabama so as to amend Section 9 thereof specifying certain changes in the details pertaining to the bonds issued under the provisions of the said act.

By Mr. Cook (Jefferson) et al:

H. 862. To amend Act No. 243 adopted at the Special Session of 1965 of the Legislature of Alabama so as to amend Section 9 thereof specifying certain changes in the details pertaining to the bonds issued by Alabama Public School and College Authority under the provisions of the said act.

By Mr. McCorquodale et al:

H. 886. To amend Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama so as to appropriate, from the state's share of the net tax proceeds of the highway gasoline tax, moneys for payment at their respective maturities of the principal of and interest on bonds of Alabama Highway Authority issued under an act adopted at the 1969 Regular Session of the Legislature of Alabama, and to clarify the provisions of the said Act insofar as they relate to refunding bonds that may hereafter be issued.

By Mr. McCorquodale et al:

H. 888. To amend Sections 6 and 11 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama so as to change the duration for which the corporation organized thereunder (known as Alabama Highway Authority) shall continue to exist.

By Mr. House et al:

H. 889. To make an annual appropriation, out of moneys derived from the excise tax known as the use tax and required to be paid into the Alabama Special Educational Trust Fund, for the education and training of exceptional children, including the administration, maintenance and operation of classrooms and classes and payment of teachers for such classes; and to repeal Section 3 of Act No. 105 adopted at the Second Special Session of 1963 of the Legislature and Section 3 of Act No. 67 adopted at the Regular Session of 1963 of the Legislature.

By Mr. McCorquodale et al:

H. 891. To amend Act No. 590 adopted at the 1939 Regular Session of the Legislature of Alabama (relating to the excise tax on motor fuel as defined in the said act), as amended, so as to make further provision for the disposition of the proceeds of the tax levied thereby.

By Mr. House et al:

H. 892. To authorize Alabama Public School and College Authority, a public corporation, to sell and issue additional bonds for the purpose of constructing and equipping capital improvements at state educational institutions where the board of directors of the Authority, with the approval of the Governor, shall determine that such capital improvements can be most advantageously located; to provide for the details of the said bonds and for the sale thereof; to make appropriation and pledge of funds for payment of the principal of and interest on the said bonds and authorize the Authority to pledge for payment of the said principal and interest the funds so appropriated and pledged herein; to provide that the said bonds shall be limited obligations of the Authority payable solely from the funds so appropriated and pledged and shall not create an obligation or debt of the state; to provide that the said bonds and the income therefrom shall be exempt from taxation and the said bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the refunding of such bonds by the issuance of refunding bonds; to adopt with respect to the said bonds certain provisions of Act No. 243 adopted at the 1965 Special Session of the Legislature of Alabama; and to specify certain other provisions respecting the said bonds.

By Mr. Torbert:

S. 68. To amend further Section 385, Title 51, Code of Alabama 1940 as amended, to allow deductions for charitable contributions made to out of state institutions by nonresident taxpayers.

By Messrs. Radney, Turner, Torbert, Harris, McDermott, Turner and Engel:

S. 89. To fix the compensation of election officers; amending Code of Alabama 1940, Title 17, Section 198, which prescribes and regulates the payment of compensation for election officers; and repealing Act 409, S. 224, Regular Session 1943 (Gen. Acts of 1943, p. 375) as amended which pro-

vides for the payment of extra compensation to election officers serving at elections which are conducted in whole or in part by voting machines.

Messrs. Radney, Turner, Torbert, Harris, McDermott and Engel:

S. 99. To amend further Act No. 531, S. 101, approved September 30, 1947 (General Acts 1947, p. 388) relating to the compensation of registrars, so as to make further provisions respecting payment of such compensation.

By Messrs. Engel and McDermott:

S. 168. To amend Section 254 of Title 13 of the Code of Alabama of 1940 which relates to the appointment and compensation of Deputy Solicitors or Deputy District Attorneys of the Thirteenth Judicial Circuit.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Oden (with substitute):

S. 188. To amend Act No. 580, H. 379, Regular Session 1965 (Acts 1965, v. 2, p. 1077) further regulating purchasing by or for the use of the state highway department.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clark, Torbert and Gilmore:

S. 247. To amend further Act No. 582, H. 402, Regular Session 1965 (Acts 1965, p. 1079), entitled "An Act to fix the compensation of certain state officers."

By Mr. Radney:

S. 273. To make a further and additional appropriation of $500,000 for capital outlays to the Alabama Industrial School for Negro Children.

By Mr. Turner:

S. 401. To subject certain intangible personal property to ad valorem taxation: for such purpose amending Code of Alabama 1940, Title 51, Sections 2, 21, 25, 372 and 431 in order to delete certain intangibles from the enumeration of persons and property exempt from ad valorem taxation, to include certain intangibles in the enumeration of subjects of taxation, and to eliminate certain provisions of law exempting from ad valorem taxation shares of stock in corporations when certain other excise, license or privilege taxes have been paid.

By Mr. Cooper:

S. 482. To amend Section 1 of Act No. 208, Acts of Alabama 1966 Special Session, page 256, approved August 26, 1966 entitled: "An Act to authorize, regulate and provide for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers and certain firemen who are killed or whose death results from an injury received in the course of his employment and while he is engaged

in the performance of his duties; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for payment of awards."

By Messrs. Vacca, Childs, Morrow, Bailes, Hawkins and Gilmore:

S. 506. To validate moral obligations, not exceeding One Hundred and Sixty Dollars ($160.00) in amount, paid by the State Training School for Girls for motor vehicle accidents involving employees and for injuries to employees as a result of performance of their duties during the period October 1, 1966 through September 30, 1968.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Skidmore, Leonard, McCarley, Goodwyn, O'Bannon, Folsom, Givhan, Harris, Lindsey, Giles, Torbert and Clark (with substitute):

S. 518. To fix the compensation of Circuit Judges in Alabama; and to provide the method of payment and effective date thereof.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Nabors:

S. 519. To provide that certain school lunchroom managers and assistants to such managers may become members of the Teachers' Retirement System and shall receive all the benefits provided for teachers under the provisions of Code of Alabama 1940, Title 52, Chapter 14; to place the duty of collecting the employees' contributions to the Teachers' Retirement System on the county or city board of education employing such school lunchroom managers and assistants to such managers and also the duty of remitting to the secretary-treasurer of the retirement system both the employer's and the employees' contributions to the system; to provide for the payment of the employer's liability on account of matching contributions and providing for prior service of such school lunchroom managers and assistants to such managers out of funds in the Alabama Special Educational Trust Fund which have been appropriated therefor to the state department of education and distributed by such department to the several county and city boards of education employing lunchroom managers and assistants to such managers; and to make an appropriation to carry out the provisions of this Act.

By Mr. McDermott:

S. 551. To authorize circuit court judges to subscribe to certain legal periodicals and to provide for payment thereof.

By Mr. Harris:

S. 558. To make further provisions regarding the licensing of trucks and truck-tractors to allow proper credit and the quarterly declining basis under stated circumstances where a higher license than that previously issued is required for any fiscal or license year by change in gross vehicle weight al-

lowance or in the use of the vehicle, to provide penalties for improper licensing, and to repeal all laws or parts of laws in conflict herewith.

By Messrs. Engel and Cooper:

S. 567. Proposing a constitutional amendment relative to the title and use of sixteenth section school lands lying within the corporate limits of the City of Mobile.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Gilmore, Pierce, Vacca, Morrow, Childs, Bailes, Giles, Cooper, Folsom, Albea, Nabors, McDermott and Stone:

S. 569. To provide for purchasing and furnishing state-owned textbooks for certain state institutions.

By Mr. Skidmore:

S. 622. To make an appropriation from the state treasury payable to the Glenn Falls Insurance Company for the relief of Sergeant E. W. Pierce of the highway patrol.

By Mr. Turner:

S. 639. To amend Act No. 91, H. 22, Special Session 1969 so as to allocate thirty of the educable exceptional children teacher units to trainable exceptional children teacher units.

By Mr. Turner:

S. 664. To make a supplemental appropriation to the Department of Public Safety.

By Mr. Oden:

S. 715. To amend Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940, which relate to capital outlay warrants issued by any County Board of Education or City Board of Education, so as to clarify the said sections and so as to revise the provisions thereof as to the maximum interest rate, the maximum net interest cost, and the amount of redemption premiums that are permitted with respect to such warrants.

By Mr. Cooper:

S. 720. To authorize county and city boards of education to use certain portions of federal funds allocated pursuant to Title 1 for part payment of the salaries and expenses of certain county and city superintendents of education, and to provide for the determination of such proportionate amounts.

By Messrs. Gilmore, Vacca, Bailes, Skidmore, Morrow, Hawkins, Dominick and Childs:

S. 725. To make an appropriation to the University of Alabama Medical Center for the planning and initiation of the School of Community and Allied Health Resources.

By Messrs. Pierce and Goodwyn:

S. 742. To validate moral obligations, not exceeding five hundred dollars ($500.00) in amount, paid by the Alabama Industrial School for Negro

Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

By Mr. McDermott:

S. 743. To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

By Messrs. Skidmore, Gilmore, Morrow, Vacca, Bailes, Hawkins, Dominick, Givhan, McCarley and Childs:

S. 748. Relating to state parks, memorials and historical sites; establishing the Tannehill Furnace and Foundry Commission as a state agency to acquire, renovate, maintain and exhibit the old Tannehill Furnace in the County of Tuscaloosa; and to establish, create, manage, control and operate a state memorial park for the exhibition of this old furnace and the processes of iron making and for other related purposes; prescribing the authority, powers, duties and functions of the commission and its members and officers; forbidding members of the commission or employees thereof to engage in certain dealings with the commission and prescribing penalties therefor; and making an appropriation.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 205. Relating to crimes and offenses; defining certain crimes relative to credit cards, including offenses relative to obtaining, possessing, using, dealing in, forging, signing and providing goods and services upon presentation of a credit card; prescribing certain presumptions and proscribing certain defenses relative to the crimes hereby defined; prescribing penalties; and providing that this act is cumulative.

LELAND CHILDS,
Chairman.

HOUSE REQUESTED TO RETURN BILL

On motion of Mr. Bailes, the Senate requested the House to return for further consideration the Bill, S. B. 565.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Cooper	Morrow	Skidmore
Bailes	Dominick	Nabors	Stone
Branyon	Gilmore	Pierce	Torbert
Carr	Harris	Radney	Vacca
Childs	Hawkins		—17

Nays:

Messrs.:	Folsom	Leonard	McDermott	
Albea	Givhan	Lindsey	Oden	
Clark	Goodwyn	Lolley	Pelham	
Engel	Jackson	McCarley		—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lybrand, Fite, Bank, Perloff, Brassell, Collins (C), Cook (Coffee), Starnes, Neville and Hill:

H. 18. Further amending Code of Alabama 1940, Title 34, Section 20; relating to marriage and divorce; making incompatibility of temperament a ground for divorce.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 18. To the Committee on Judiciary.

RESOLUTIONS

By Messrs. Engel, Cooper, Lolley, Harris, McDermott, Torbert, Pelham, Clark, Lindsey, O'Bannan, Jackson, McCarley, Stone, Albea, Givhan, Goodwyn, Giles, Leonard, Radney, Folsom, Carr, Turner, Adams, Oden:

S. J. R. 64. WHEREAS it is the intention of the Legislature to increase the medical education in the State of Alabama essentially as set forth by the Booz, Allen and Hamilton Report, which was commissioned by the Legislature, and which said Report recommended additional medical education facilities and programs to meet the State's critical need for additional medical personnel by the most economical means possible; and

WHEREAS the Report recommended increased support for the Medical College of Alabama in order to expand the size of each class to 125 students, which will be possible under legislation now pending; and that as soon as possible an additional medical college be established in Mobile under the auspices of the University of South Alabama; and that a two year program of medical education be undertaken by the University of Alabama on the Tuscaloosa campus;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the critical need for additional medical education facilities makes it imperative that the recommendations of the Booz, Allen and Hamilton Report be implemented, and that the University of South Alabama forthwith begin planning of a medical school in Mobile and that the University of Alabama forthwith begin planning for a two year medical school in Tuscaloosa.

BE IT FURTHER RESOLVED, that, wherever appropriate, this planning be done jointly by said institutions.

Which was read and referred to the Standing Committee on Rules.

Mr. Dominick offered the following Senate Resolution, to-wit:

S. R. 65. WHEREAS, the Senate of Alabama now has a total of thirty-one (31) standing legislative committees; and

WHEREAS, the number of standing committees in the Alabama Senate is almost double the number in the United States Senate and is greater than the number in 47 other State Senates; and

WHEREAS, it is the consensus of opinion of political scientists and students of State Government that the reduction of the number of standing committees is of paramount importance in modernizing and up-dating state legislatures in order that they may assume more responsibility and power in their relationship with the Federal Government.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA that a committee be appointed to study the question of improving, streamlining and reducing the number of standing committees in the Senate; and

BE IT FURTHER RESOLVED that the presiding officer be directed to appoint himself and eight other members to said committee with instructions to report their recommendations to the entire Senate no later than the thirty first (31) legislative day.

Which was read and referred to the Standing Committee on Rules.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 66. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-fifth Legislative Day only:

BILL NO.	PAGE
HB 706	73
HB 332	78
HB 342	82
HB 673	55
SB 681	76
SB 408	25
HB 226	70
SB 495	53
SB 484	40
SB 146	11
SB 158	12
SB 160	13
SB 162	30
SB 269	13
SB 441	54

SB 45	62
SB 220	77
SB 322	65
SB 398	44
HB 428	52
HB 564	71
HB 874	72
SB 384	25
SB 390	32
SB 621	76
SB 206	22
SB 393	53
SB 254	36
SB 256	36
SB 257	36
HB 510	71
HB 511	71
HB 824	72

Mr. Adams offered the following amendment to the Resolution, S. R. 66, to-wit:

AMENDMENT TO S. R. 66

Amend SR 66 to delete H. 342 from special order list.

Which was lost.

Yeas 15; Nays 16.

Yeas:

Messrs.:	Branyon	Folsom	Lolley
Adams	Childs	Givhan	Nabors
Albea	Cooper	Harris	Stone
Bailes	Dominick	Hawkins	Vacca

—15

Nays:

Messrs.:	Lindsey	O'Bannon	Radney
Clark	McCarley	Oden	Skidmore
Engel	McDermott	Pelham	Torbert
Gilmore	Morrow	Pierce	Turner
Goodwyn			

—16

And said Resolution, S. R. 66, was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 574. To authorize every public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by a municipality or by its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this state in which any part of such water system or systems is situated, without an election, and with or without consideration, to transfer and convey such system or systems and all right, title and interest therein, including without limitation all reversionary, residuary or remainder rights provided by law, to any other public corporation whose certificate of incorporation was filed in the office of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make the transfer and conveyance or in the office of the Probate Judge of an adjacent county; to require the public corporation proposing to make such transfer and conveyance to make provision for the payment and retirement of any bonds, mortgages, indentures, resolutions or other obligations including revenue bonds or other securities payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed or to require the assumption thereof by the transferee public corporation; to authorize each public corporation and municipality to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to carry out the provisions of the Act; to provide for the publication and posting of a notice of the proceedings taken or to be taken under the Act; to limit the time within which any proceedings may be commenced in any Court with respect to the matters referred to in said notice; to provide that the provisions of this Act shall be cumulative; to provide that all matters authorized in the Act shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body; to provide for the severability of the provisions of this Act; and to provide the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Oden	
Albea	Gilmore	Lolley	Pelham	
Bailes	Givhan	McCarley	Skidmore	
Childs	Goodwyn	McDermott	Stone	
Clark	Harris	Morrow	Torbert	
Cooper	Hawkins	Nabors	Turner	
Dominick	Leonard	O'Bannon	Vacca	
Engel				—28

Nays: —0

The Bill:

S. 645. To create a state commission to be known as the State Capitol Preservation Commission; to provide for the number, term and appointment of members of the commission; to prescribe the commission's authority; and to provide that members of the commission shall serve without compensation or reimbursement of expenses.

was taken up.

The question was on the substitute for the Bill offered by Mr. Dominick, which said substitute is set out at length in the Journal of the Senate for the Twenty-First Legislative Day. Mr. Dominick requested and received unanimous consent to withdraw said substitute, and the substitute was withdrawn.

Mr. Dominick then offered the following amendment to the Bill, S. B. 645, to-wit:

AMENDMENT TO S. B. 645

In the first sentence of Section 2 of the bill, insert the words "and architectural purity" immediately after the words "historic character" and also in the same sentence insert a period after the words "executive suite" and strike the balance of said sentence.

In the second sentence of Section 2 of the bill, strike the words "legislative chambers" and "lounges" and insert in lieu thereof the words "lobbies" "entrance ways" and "stairways".

In the third sentence of Section 2 of the bill, insert the word "private" immediately before the words "office space" and immediately after said words insert the words "except as to structural modifications".

Strike the fourth sentence of Section 2 of the bill in its entirety and insert in lieu thereof the following: "With respect to the legislative chambers, legislative lounges and legislative meeting rooms, the commission shall be authorized and empowered to advise and consult with the Clerk of the House and the Secretary of the Senate, respectively and to suggest and recommend changes and renovations within such spaces that would be appropriate and in keeping with the preservation of the historic value and architectural purity therein; provided however, that no changes or renovations to the said chambers, lounges, or meeting rooms shall be undertaken or initiated without the approval of the Clerk of the House or the Secretary of the Senate, respectively."

The following section shall be inserted in the bill immediately after Section 2 and the remaining sections shall be renumbered accordingly: "Section 3. The Commission shall meet at the State Capitol Building at least twice each year, one of which said meetings shall be designated as the annual meeting. The Commission at its organizational meeting shall elect a chairman and secretary. Said officers shall serve terms of one year each and until their successors are elected and take office."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Pelham	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lindsey	Radney	
Branyon	Gilmore	Lolley	Skidmore	
Childs	Givhan	McCarley	Turner	
Clark	Goodwyn	McDermott	Vacca	
Cooper	Harris	O'Bannon		—26

Nays: —0

And said Bill, S. B. 645, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Pelham	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lindsey	Radney	
Branyon	Gilmore	Lolley	Skidmore	
Childs	Givhan	McDermott	Turner	
Clark	Goodwyn	Nabors	Vacca	
Cooper	Harris	Oden		—26

Nays: —0

The Bill:

S. 481. To amend Code of Alabama 1940, Title 41, Sections 211 and 221, which relate to offenses concerning county officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Gilmore	Lolley	Radney	
Branyon	Givhan	McCarley	Skidmore	
Childs	Goodwyn	McDermott	Turner	
Cooper	Harris	Morrow	Vacca	
				—27

Nays: —0

The Bill:

S. 242. To amend Section 12 of Act No. 108, H. B. 152, approved August 26, 1959 (Acts 1959, v. 1, p. 615), an act relating to the practice of chiropractic, so as to specify additional grounds for suspension or revocation of a certificate of qualification to practice chiropractic.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pelham	
Adams	Folsom	Leonard	Pierce	
Albea	Gilmore	Lolley	Radney	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Goodwyn	Morrow	Turner	
Childs	Harris	Nabors	Vacca	
Cooper	Hawkins			—25

Nays: —0

JOINT SESSION

The hour of 2:15 P.M. having arrived, Mr. Oden moved that in accordance with Joint Resolution heretofore adopted, the Senate repair to the Hall

of the House of Representatives for the purpose of hearing an address by Dr. Wernher von Braun.

The Joint Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Dr. von Braun was escorted to the Chair and, upon being introduced by the Honorable Albert P. Brewer, Governor, delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate retired to its Chamber, and was called to order by President Pro Tempore Goodwyn.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lyons, Edington, Nettles and Collins (W):

H. 798. To amend Act No. 2, H. 47 of the Regular Session of 1945 (Gen. Acts 1945, p. 20), which levies and provides for the collection and distribution of a severance tax on crude oil, gas and other hydrocarbons, so as to preclude municipalities in the State from levying any tax, license or other charge or fee on the production, treating, processing, ownership, selling, buying, storing or marketing of crude oil or natural gas or on the operation or maintenance of any plant, facility or any equipment necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of crude oil or natural gas produced in the State of Alabama; and to authorize and provide for the payment to municipalities in which oil or gas wells are located of a portion of the severance tax levied by said Act No. 2.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 798. To the Committee on Public Buildings and Grounds.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 706. To regulate the sale and distribution of commercial fertilizers, fertilizer materials and other substances; requiring a license and permit for the sale thereof, prescribing the fee therefor, requiring labeling information; to levy an inspection fee upon the sale and distribution of fertilizers; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; providing for the assessment and payment of penalties for fertilizers deficient in claimed plant food value; authorizing the State Board of Agriculture and Industries to fix minimum plant food content, grades and ratios for fertilizers and to adopt rules and regulations for the administration and enforcement of this Act; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 16 of Chapter 1 of Title 2, Code of Alabama 1940, as amended; also, to repeal Act No. 365, Legislature of 1947, approved August 16, 1947.

The Standing Committee on Agriculture reported the following amendment to the Bill, H. B. 706, to-wit:

AMENDMENT TO H. B. 706

Amend House Bill No. 706 by adding the following sentence immediately after the last sentence in Section 18 of said Bill on page 13 thereof:

"Notwithstanding any other provisions of this Act and specifically the provisions of Section 3 (e) relating to "Guaranteed Analysis", the Commissioner with the approval of the Board shall be authorized to require by rules and regulations that the guaranteed analysis of phosphorus and potassium for labeling purposes shall be expressed in the elemental form, but until such rules and regulations are duly promulgated and adopted, the guaranteed analysis shall not be required to be expressed in the elemental form."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Morrow	
Adams	Dominick	Hawkins	Nabors	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lindsey	Radney	
Branyon	Giles	Lolley	Skidmore	
Childs	Givhan	McCarley	Stone	
Clark	Goodwyn	McDermott		—26

Nays: —0

And said Bill, H. B. 706, as thus amended, was then read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Albea	Givhan	McCarley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Branyon	Harris	Morrow	Stone	
Cooper	Hawkins	Nabors	Torbert	
Engel	Leonard	O'Bannon		—26

Nays: —0

The Bill:

H. 332. To empower the Director of Conservation with authority to prohibit the importation into this State of any bird, animal, reptile, amphibian, or fish when such importations are not in the best interest of the State of Alabama; to provide regulatory authority to the Director of Conservation to implement the provisions of this Act.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Engel	Lolley	Pierce	
Albea	Folsom	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
				—31

Nays: —0

The Bill:

H. 342. To provide for city elections on legality of sale and distribution of alcoholic beverages in dry counties; and to exempt certain counties, classified by population, from the operation of the Act.

was taken up.

Mr. Branyon moved that further consideration of the Bill, H. B. 342, be indefinitely postponed. On motion of Mr. McDermott, said motion was laid on the table.

Mr. Branyon then moved that further consideration of the Bill, H. B. 342, be postponed for one hour. On motion of Mr. McDermott, the motion to postpone was laid on the table.

Yeas 17; Nays 12.

Yeas:

Messrs.:	Hawkins	O'Bannon	Radney	
Clark	Leonard	Oden	Skidmore	
Engel	Lindsey	Pelham	Torbert	
Giles	McDermott	Pierce	Turner	
Goodwyn	Morrow			—17

Nays:

Messrs.:			
Adams	Branyon	Folsom	McCarley
Albea	Childs	Harris	Nabors
Bailes	Cooper	Lolley	Vacca

—12

Mr. Adams offered the following amendment to the Bill, H. B. 342, to-wit:

Amend Section 4 of H. B. 342 by adding at the end of said section the following: The provisions of this Act shall not apply in counties having populations of not less than 31,000 nor more than 31,200, according to the most recent federal decennial census.

On motion of Mr. McDermott, said amendment was laid on the table.

Yeas 11; Nays 10.

Yeas:

Messrs.:	Engel	Lindsey	Radney
Bailes	Giles	McDermott	Skidmore
Clark	Goodwyn	O'Bannon	Turner

—11

Nays:

Messrs.:	Branyon	Harris	Stone
Adams	Childs	Nabors	Torbert
Albea	Folsom	Oden	

—10

Mr. Nabors offered the following substitute for the Bill, H. B. 342, to-wit:

SUBSTITUTE FOR H. B. 342

A BILL
TO BE ENTITLED
AN ACT

To provide for city elections on legality of sale and distribution of alcoholic beverages in dry counties.

Be It Enacted by the Legislature of Alabama:

SECTION 1. ELECTIONS IN CERTAIN MUNICIPALITIES AFTER MAJORITY VOTE IN COUNTY AGAINST SALE OF ALCOHOLIC BEVERAGES. The governing body of any city located in a county which has voted against the legal sale and distribution of alcoholic beverages shall, upon receipt of a petition bearing the signatures of 25 percent of the voters residing in the city whose names appeared on the next preceding published list of qualified voters, call an election to determine whether or not alcoholic beverages shall, notwithstanding the results of such previous county election and the consequent dry status of the county as a whole, legally be sold and licensed within the police jurisdiction of the city.

Except insofar as inconsistent with the holding of a purely municipal election, the provisions of Title 29, Code 1940, relating to the conduct of elections, notice of elections, holding of elections, and determining the results of elections are to be made applicable to any municipal election held hereunder.

The majority of votes cast at such election shall determine the legality within the city of the sale and distribution of alcoholic beverages. If a majority of the votes cast in the election favor the sale and distribution of alcoholic beverages, then such sales shall thereafter be legal and lawful in that city, irrespective of the previous dry status of the county; and the governing body of that city shall notwithstanding any public, special, local or private act whenever passed or the results of any previous or subsequent county election to the contrary, issue appropriate licenses to all qualified applicants. If a majority of the votes cast at such election shall be against the sale of alcoholic beverages then such sales shall be unlawful and illegal unless authorized by a subsequent county-wide or subsequent municipal election.

SECTION 2. UNLAWFUL TO SELL ALCOHOLIC BEVERAGES IN DRY COUNTIES. Except as authorized by Section 23 of Title 29, Code 1940, or this Act, it shall be unlawful to sell alcoholic beverages within any county in which the electors have voted against such sales.

SECTION 3. This Act is cumulative and does not repeal any law except such as may be in irreconcilable conflict.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Nabors, said substitute was laid on the table.

Mr. Adams then offered the following amendment to the Bill, H. B. 342, to-wit:

AMENDMENT TO H. B. 342

Amend Section 4 of H. B. 342 by adding at the end of said section the following: The provisions of this Act shall not apply in counties having populations of not less than 31,000 nor more than 31,200, according to the most recent federal decennial census.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Skidmore	
Bailes	Goodwyn	Morrow	Stone	
Branyon	Harris	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden		—26

Nays: —0

Mr. McDermott offered the following amendment to the Bill, as amended, H. B. 342, to-wit:

AMENDMENT TO H. B. 342, AS AMENDED

Add at the end of the bill a new section to be numbered accordingly:

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 21; Nays 6.

Yeas:

Messrs.:	Engel	McDermott	Pierce	
Adams	Giles	Morrow	Radney	
Albea	Goodwyn	Nabors	Skidmore	
Bailes	Hawkins	O'Bannon	Torbert	
Childs	Leonard	Pelham	Turner	
Clark	Lindsey			—21

Nays:

Messrs.:	Cooper	Jackson	Stone	
Branyon	Folsom	Lolley		—6

Mr. O'Bannon offered the following amendment to the Bill, H. B. 342, as amended, to-wit:

AMENDMENT TO H. B. 342, AS AMENDED

In Section 4, strike out the words and figures: The provisions of this Act shall not apply in counties having populations of not less than 60,500 nor more than 65,000, according to the most recent federal decennial census.

Which was adopted.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Goodwyn	Morrow	Skidmore	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Torbert	
Cooper	Jackson	Oden	Turner	
Engel	Leonard	Pelham	Vacca	
				—27

Nay: Mr. Lolley —1

Mr. Oden offered the following amendment to the Bill, H. B. 342, as amended, to-wit:

AMENDMENT TO H. B. 342, AS AMENDED

In Section 4, add at the end thereof the following paragraph: The provisions of this Act shall not apply in counties having populations of not less than 22,500 nor more than 24,550, according to the most recent federal decennial census.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Branyon	Harris	Morrow	Skidmore	
Childs	Hawkins	Nabors	Stone	
Clark	Jackson	O'Bannon	Turner	
Cooper	Leonard	Oden	Vacca	
				—27

Nays: —0

Mr. Harris offered the following amendment to the Bill, H. B. 342, as amended, to-wit:

AMENDMENT TO H. B. 342, AS AMENDED

Amend Section 4 by adding at the end thereof the following: "The provisions of this Act shall not apply in counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Goodwyn	Morrow	Stone	
Branyon	Harris	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Clark	Jackson	Oden	Vacca	
Cooper	Leonard			—29

Nays: —0

Mr. Branyon moved that further consideration of the Bill, H. B. 342, as amended, be postponed until the Thirty-Second Legislative Day. On motion of Mr. McDermott, said motion was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Giles	McDermott	Pierce	
Albea	Goodwyn	Morrow	Radney	
Bailes	Hawkins	Nabors	Skidmore	
Childs	Leonard	O'Bannon	Torbert	
Clark	Lindsey	Pelham	Turner	
				—19

Nays:

Messrs.:	Cooper	Jackson	Stone	
Adams	Folsom	Lolley	Vacca	
Branyon	Harris	Oden		—10

And said Bill, H. B. 342, as amended, was then read a third time at length and passed.

Yeas 18; Nays 12.

Yeas:

Messrs.:	Goodwyn	McDermott	Pierce	
Bailes	Harris	Morrow	Skidmore	
Clark	Hawkins	Nabors	Torbert	
Engel	Leonard	O'Bannon	Turner	
Giles	Lindsey	Pelham		—18

Nays:

Messrs.:	Childs	Jackson	Radney	
Adams	Cooper	Lolley	Stone	
Albea	Folsom	Oden	Vacca	
Branyon				—12

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

S.B.130 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 211 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 442 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 445 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 446 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 452 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 225 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 226 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 227 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 228 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 239 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 244 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 54 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 128 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 176 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 492 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 512 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 240 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 249 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 510 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 511 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 20 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 291 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 329 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 330 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 402 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 457 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 503 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 504 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.B. 513 Delivered to the Governor July 22, 1969, at 3:25 P.M.

S.J.R. 48 Delivered to the Governor July 24, 1969, at 11:00 A.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:50 P.M., on motion of Mr. Cooper, the Senate adjourned until Tuesday, August 5, 1969, at 12 o'clock Noon.

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, AUGUST 5, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Reverend Joe L. Lane, Minister, United Pentecostal Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson	Oden		—34

JOURNAL

On motion of Mr. Pierce, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and

containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Engel, leave of absence was granted Mr. Adams for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stone:

S. 765. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Committee on Local Legislation No. 1.

By Mr. Stone:

S. 766. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. 767. Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Morrow:

S. 768. To except bonds issued by a municipality under the provisions of Act No. 4 adopted at the 1956 Second Special Session of the Alabama Legislature, as amended, which Act relates to the promotion of trade by inducing commercial enterprises to locate in this State, from the laws of the

State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Committee on Banking.

By Mr. Givhan:

S. 769. To amend Sections 4 and 5 of Act No. 743, H. 150, Regular Session 1957 (Acts 1957, p. 1143), as amended, entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Committee on Finance and Taxation.

By Mr. McCarley:

S. 770. To create the office of warrant clerk and deputy warrant clerks in all counties having populations of not less than 31,500 nor more than 32,200 according to the most recent federal decennial census; to provide for his appointment, tenure, duties and compensation; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. McCarley:

S. 771. Relating to credit sales of goods and services; to provide further for the rights of the buyer and the seller in such sales of goods and services.

Committee on Judiciary.

By Mr. McCarley:

S. 772. Relating to insurance; requiring the regulation of credit life insurance by the state department of insurance.

Committee on Insurance.

By Mr. McCarley:

S. 773. To abolish the holder-in-due-course doctrine for notes or other evidence of indebtedness of a retail buyer of consumer goods or services; to prescribe the rights of the buyer against the assignee of any such note or other evidence of indebtedness and prescribe penalties.

Committee on Judiciary.

By Mr. Torbert:

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; to authorize the Superintendent of Banks, entitled under this Act as the Administrator to enforce this Act and

to provide penalties for violation; to provide that the Supervisor, Bureau of Loans be designed as Deputy Administrator.

Committee on Banking.

By Mr. Turner:

S. 775. To make an appropriation for the payment of expenses of the Legislature.

Committee on Finance and Taxation.

By Mr. Goodwyn:

S. 776. To authorize and empower the Supreme Court of Alabama to adopt a new system of rules, and to make future changes therein, to govern procedure in appeals to the Supreme Court of Alabama and to the Court of Appeals of Alabama for review or enforcement of judgments, orders, and decrees of other courts of the State of Alabama and of orders of administrative agencies, boards, commissions, and officers of the State of Alabama; and in applications for writs or other relief which the Supreme Court or the Court of Appeals, or a judge of either of said courts, is authorized to give; to repeal all legislation inconsistent with such rules from and after the effective date of such new system of rules when adopted by the Supreme Court of Alabama as authorized by this Act insofar as such legislation shall be in conflict with such new system of rules, including, but not limited to, the following laws, parts of laws, and rule:

Code of Alabama of 1940 (Recompiled, 1958): Title 7, Sections 767, 769, 770, 771, 773, 783, 784, 785, 791, 801, 802, 803, 804, 817, 820, 821, 822, 826, 827, 827 (1a), 827 (1b), 827 (3), and 1075; Title 15, Sections 371, 379, 380, and 382 (9); Title 37, Section 553; and Rule 32 of the Rules of Practice in the Circuit and Inferior Courts of Common Law Jurisdiction; and to amend the following laws from and after such effective date:

Code of Alabama of 1940 (Recompiled, 1958): Title 7, Section 744 entitled "Agreed case certified to appellate court"; Title 7, Section 745 entitled "Judge may certify questions of law"; Title 7, Section 746 entitled "Cross errors"; Title 7, Section 749 entitled "Return of papers to trial court"; Title 7, Section 751 entitled "Certificate of appeal given appellee"; Title 7, Section 755, as amended, entitled "No intermediate appeal from decree sustaining or overruling demurrer in equity"; Title 7, Section 763 entitled "Appeals from partial settlements"; Title 7, Section 764 entitled "Appeals from decisions on motions for new trials"; Title 7, Section 765 entitled "Motion for new trial considered on appeal from original cause"; Title 7, Section 768 entitled "Transcript made by clerk; fees for"; Title 7, Section 790 entitled "When appeal returnable"; Title 7, Section 818 entitled "Exceptions to giving or refusing special charge in writing presumed on appeal"; Title 7, Section 819 entitled "Plaintiff suffering nonsuit may take bill of exceptions"; Title 7, Section 823 entitled "Bill of exceptions established by trial judge who resigns or whose term of office expires"; Title 7, Section 824 entitled "When bill established before a judge of the supreme court"; Title 7, Section 825 entitled "Judges of court of appeals settling and establishing bills of exceptions"; Title 7, Section 827 (1) entitled "Bills of exception abolished in certain courts; transcript of evidence"; Title 7, Section 827 (2) entitled "Fees of court reporter; appeal without transcript"; Title 7, Section 827 (6) entitled "Motions for new trial and rulings thereon"; Title 13, Section 17 entitled "Jurisdiction of court"; Title 13, Section 52 entitled "Duties"; Title 15, Section 365 entitled "Questions of law reserved by defendants, by bill of exceptions"; Title

15, Section 369 entitled "Appeal in habeas corpus cases"; Title 15, Section 382 (6) entitled "Time for filing bill of exceptions"; Title 15, Section 382 (7) entitled "Authority of member of supreme court where trial judge fails to enter order of appeal"; Title 15, Section 382 (8) entitled "Bill of exceptions not filed or approved as required by law"; Title 15, Section 389 entitled "Assignment or joinder of error unnecessary; duty of court"; and Title 46, Section 285 entitled "Appeal to supreme court"; and also Section 1 of Act No. 859 of the General Acts of the Regular Session of 1965 of the Legislature of Alabama entitled "To provide for appeals from judgments for contempt of court".

Committee on Judiciary.

By Mr. Clark:

S. 777. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. McDermott:

S. 778. To repeal Act No. 175, S. 387 of the Regular Session of 1969, which provides for abatement of ad valorem taxes on property acquired by condemnation or otherwise by the State of Alabama or any agency or instrumentality thereof.

Committee on Judiciary.

By Mr. Jackson:

S. 779. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Pierce:

S. 780. To further amend Section 54 of Title 45, Code of Alabama 1940, as amended, by providing that a state convict upon being discharged may choose to receive suitable clothing or cash equivalent to same; to delete therefrom any provisions about county convicts; to repeal all laws in conflict.

Committee on Finance and Taxation.

By Mr. Harris:

S. 781. To provide for and regulate the employment and the compensation out of the county treasury of a deputy clerk and other assistants to the clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for and regulate the employment and the compensation out of the county treasury of a deputy clerk and other assistants to the clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy clerk and such assistants as may be necessary for such courts. The deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the circuit clerk by whom the deputy clerk is appointed. The compensation of the deputy clerk and other assistants shall be fixed by the circuit clerk and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy clerk and other assistants payable by the county shall not exceed such sum as the Board of Revenue and Control or other governing body of Morgan County shall allow therefor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 64, H. 259, of the Regular Session of 1947 (Local Acts 1947, p. 45), Act No. 331, H. 833, of the Regular Session of 1963 (Acts 1963, p. 813) which amends said Act No. 64, and all other acts amendatory thereof are specifically repealed; and all other laws or parts of laws in conflict herewith are also repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost

to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me July 24, 1969.

LLOYD E. LOGAN,
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 782. To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office, relative to the compensation of the clerical assistants.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bid substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office, relative to the compensation of the clerical assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation of the tax assessor of Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be

paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me July 24, 1969.

LLOYD E. LOGAN,
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 783. To provide for and regulate the employment and the compensation out of the county treasury of a deputy register and other assistants to the register of the circuit court of Morgan County and the Morgan County Court of Morgan County; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a gill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for and regulate the employment and the compensation out of the county treasury of a deputy register and other assistants to the register of the circuit court of Morgan County and the Morgan County Court of Morgan County; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The register of the circuit court of Morgan County and the Morgan County Court of Morgan County shall appoint a deputy register and such assistants as may be necessary for such courts. The deputy register shall possess all powers and authority, both ministerial and judicial, now or hereafter possessed by the register by whom the deputy is appointed. The compensation of the deputy register and other assistants shall be fixed by the register and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy register and the assistants, payable by the county, shall not exceed such sum as the Board of Revenue and Control or other governing body of Morgan County shall allow therefor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 68, H. 263, Regular Session 1947 (Local Acts, 1947, p. 51), Act No. 333, H. 836, Regular Session 1963 (Acts, 1963, p. 814), which amends Act No. 68 of 1947, and all other acts amendatory thereof are hereby specifically repealed; and all other laws or parts of laws in conflict herewith are also repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost

to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me July 24, 1969.

LLOYD E. LOGAN,
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 784. To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the appointment and compensation of the clerk of the jury commission.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the appointment and compensation of the clerk of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts. Regular Session 1965, v. 1, p. 762), as amended, is further amended to read as follows:

"Section 3. The ex officio members of the jury commission of Morgan County shall not be entitled to any remuneration whatever for the performance of their duties as jury commissioners. The appointed members of the commission shall be entitled to compensation at a rate of ten dollars a day for each day's service, but not exceeding nine hundred dollars, each, per annum. The commission is authorized and empowered to employ a clerk to serve under the direction of the commission and to perform the duties encumbant upon such clerk under the general laws of the State of Alabama as prescribed in Chapter 2 of Title 30, Code of Alabama 1940 and the commission shall fix and prescribe the compensation to be paid to such clerk, which such compensation shall be not less than nine hundred dollars, and not more

than fifteen hundred dollars per annum, which such compensation, as fixed by the commission, shall be paid to the clerk in equal monthly payments, out of the county treasury upon the order of the President of the commission."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me August 1, 1969.

LLOYD E. LOGAN,
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 785. To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, relative to the compensation of the clerical assistants.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 3 of No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, relative to the compensation of the clerical assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowances for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me July 24, 1969.

LLOYD E. LOGAN.
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 786. To authorize the judge of probate of Morgan County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the judge of probate of Morgan County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Morgan County is hereby authorized to designate one of the clerks in his office as deputy chief clerk. Such deputy chief clerk, after he has taken the same oath of office directed to be taken by the chief clerk and given bond with surety satisfactory to the judge of probate in such sum as he may prescribe, shall be authorized to discharge any ministerial duty and to do and perform any act relative to the discharge of the duties of the judge of probate which the chief clerk is authorized to discharge, do or perform; except that such deputy chief clerk shall not be authorized to continue to perform the duties of the probate office in his own name in the event of a vacancy in the office of judge of probate, unless there is also a vacancy in the office of chief clerk. All such acts shall be done in the same manner prescribed by law for the doing thereof by the chief clerk. The deputy chief clerk and the sureties on his bond shall be liable for any misfeasance or malfeasance of the deputy chief clerk to the same extent that the chief clerk and his bondsmen are liable for any misfeasance or malfeasance of the chief clerk.

Section 2. The county governing body of Morgan County shall provide for the payment out of the county funds of the cost of the deputy chief clerk's bond. Such bond and the oath of office of the deputy chief clerk shall be approved and filed in the same manner prescribed by law for the oath and official bond of the chief clerk.

Section 3. This act shall not be construed to authorize the judge of probate to employ an additional clerk or assistant, nor to increase the compensation of the clerk or other assistant who is designated as deputy chief clerk. It shall only authorize such judge to designate an assistant or clerk whose employment is otherwise authorized by law as such deputy chief clerk.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental; however all laws or parts of laws in conflict or inconsistent with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1969.

JACK W. HOFFHAUS.

Sworn to and subscribed before me July 24, 1969.

LLOYD E. LOGAN.
Notary Public.

Commission expires April 18, 1972.

By Mr. Harris:

S. 787. To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury; to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 788. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for each of the probation officers of the county court; to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 789. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the court reporter of the county court; to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 790. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the judge of the county court; to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Skidmore:

S. 791. To amend Section 1 of Act No. 221 adopted at the Extraordinary Session of the Legislature of Alabama of 1966 so as to include under the provisions of the said Act certain nonprofit, charitable, benevolent or eleemosynary corporations, associations, or organizations.

Committee on Judiciary.

By Mr. Skidmore:

S. 792. Relating to workmen's compensation; amending Section 297 of Title 26, Code of Alabama 1940 which provides for the submission of controversy to the circuit court, so as to provide for payment of interest on delinquent payments.

Committee on Judiciary.

By Messrs. Skidmore, Albea and Harris:

S. 793. Relating to consumer credit; regulating further rights of buyers of tangible personal property under certain conditions to certain defenses against assignees of conditional sales contracts covering such property and lenders knowing or having reason to believe that the proceeds of the loan will be used in purchasing such property; and to prescribe exceptions.

Committee on Banking.

By Messrs. Skidmore and Albea:

S. 794. To regulate further consumer credit sales; specifically regulating the refinancing of such sales when the original contract provided for a balloon payment.

Committee on Banking.

By Mr. Skidmore:

S. 795. To amend further Code of Alabama 1940, Title 7, Section 630, as amended, so as to exempt completely salaries and wages from garnishment or other process for the collection of debts or judgments.

Committee on Judiciary.

By Messrs. Skidmore and Albea:

S. 796. To declare that businesses charging interest in excess of the legal rate are nuisances; and to authorize and provide for enjoining further operation thereof and the closing out of such businesses.

Committee on Banking.

By Messrs. Skidmore and Albea:

S. 797. Relating to consumer credit sales; to regulate further and define the rights of buyers and sellers of certain goods when the sale is made through a home solicitation.

Committee on Banking.

By Mr. Carr:

S. 798. To regulate further the method of summoning jurors in Marshall County; providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate further the method of summoning jurors in Marshall County; providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County notices of the requirements of the attendance of jury service may, in the discretion of the sheriff, be served either by registered or certified mail or as provided by Code of Alabama 1940, Title 30, Section 33. When service is to be made by registered or certified mail the sheriff shall enclose the summons in an envelope, addressed to the person to be served, and place all necessary postage thereon and mail it by registered or certified mail, deliver to addressee only and return receipt requested. When a return receipt, signed by the addressee, is received by the sheriff from the United States post office department, the sheriff shall immediately mark the process executed, and such execution shall be considered for all purposes as sufficient personal and legal service. If the jury summons so mailed it not delivered to the addresse, but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent ef-

fort personally to serve the summons. The above provisions authorizing service of jury summonses by mail, however, shall not apply to jury summonses returnable before the court instanter; and such summonses shall be served only as provided in Code of Alabama 1940, Title 30, Section 33.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ora Biggs, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Advertising Manager of the Boaz Leader, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, 17, 24, and 31, all in the year 1969.

ORA BIGGS.

Sworn to and subscribed before me August 4, 1969.

LOUISE H. HIBBS,
Notary Public.

My commission expires April 21, 1971.

By Mr. Carr:

S. 799. Relating to counties having populations not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to increase the compensation of the judge of the County Court in such counties; to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Carr:

S. 800. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff and his deputies and other employees and providing for the manner of their payment; authorizing the appointment of additional deputies; and repealing conflicting laws, specifically Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119).

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff and his deputies and other employees and providing for the manner of their payment; authorizing the appointment of additional deputies; and repealing conflicting laws, specifically Act. No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119).

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County shall be entitled to a salary of $12,000 per annum which shall be paid in equal monthly installments out of the general fund of the county.

Section 2. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint ten deputies, two jailers, one office deputy, and one matron, whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of $600 a month. The ten deputies shall be paid a salary of not less than $400 nor more than $500 a month, the monthly salary to be determined by the sheriff. The office deputy shall be paid a salary of $350 a month. The matron shall be paid a salary of $200 a month and the two jailers shall each be paid a salary of $300 a month. The compensation of the deputies, office deputy, jailers and matron shall be preferred claims against the general funds of the county, and shall be paid on warrants drawn in the manner prescribed by law.

Section 3. The provisions of Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119) and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ora Biggs, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Advertising Manager of the Boaz Leader, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, 17, 24, and 31, all in the year 1969.

ORA BIGGS.

Sworn to and subscribed before me August 4, 1969.

LOUISE H. HIBBS,
Notary Public.

My Commission expires April 21, 1971.

By Mr. Carr:

S. 801. To provide that witnesses may be subpoenaed by registered or certified mail in Marshall County under certain conditions.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that witnesses may be subpoenaed by registered or certified mail in Marshall County under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Subpoenas requiring the attendance of witnesses in any civil or criminal case in Marshall County may be served by the county sheriff or constable personally or by leaving a copy thereof at the place of residence of the witness, unless the subpoena is issued during the session of the court in any criminal case when it must be executed by personal service. In all other cases requiring the attendance of witnesses in said county, the sheriff may in his discretion execute service either by registered or certified mail, in which case he shall enclose the subpeona in an envelope with sufficient postage thereon and addressed to the person to be served. Such envelope shall be sent by registered or certified mail, marked deliver to addressee only and return receipt requested. When a return receipt signed by the addressee is received by the sheriff from the United States post office department, the sheriff shall immediately mark the process executed, and such execution shall be considered for all purposes as sufficient personal and legal service. If the subpeona so mailed is not delivered to the addressee, but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpeona personally.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effectively immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ora Biggs, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Advertising Manager of The Boaz Leader, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, 17, 24, and 31, all in the year 1969.

ORA BIGGS.

Sworn to and subscribed before me August 4, 1969.

LOUISE H. HIBBS,
Notary Public.

My Commission expires April 21, 1971.

By Mr. Carr:

S. 802. To provide for an election to be held to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICES

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

TO PROVIDE FOR AN ELECTION TO BE HELD to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in

lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

Section 1. The state highway department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Marshall County.

Section 2. The county governing body of Marshall County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) to levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the state;

b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the state highway department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the state;

c) To determine, subject to the approval of the state highway department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Marshall County;

d) To exercise, subject to the approval of the state highway department, the right of eminent domain for the purpose of acquiring rights of way for establishing and changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Marshall County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equipment, machinery or materials used in the construction, maintenance or repair of county roads or bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Marshall County and all officials of the county shall transfer and turn over to the state highway department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter, on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Marshall County shall pay over to the state highway department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads and bridges. Such funds shall be maintained separately by the state

highway department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Marshall County subject to the provisions of this Act.

Section 5. All persons employed by Marshall County in the construction, maintenance and repair of county roads and bridges as of the effective date of this Act, whose compensation is paid entirely by the county, shall continue to be employed by the state highway department in the county and be brought under and be covered by the state merit system law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the state merit system law. All other persons employed by the highway department in connection with the administration of this Act shall be subject to the state merit system law, provided, however, that the resident engineer shall reside and have his office, headquarters, shop, barn, warehouse, or base of operations in the county seat of Marshall County.

Section 6. After the effective date of this Act, the state highway department shall pay all of the outstanding financial obligations of Marshall County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the highway department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Marshall County of the liability for paying any of its financial obligations now existing or hereafter incurred under the provisions of Section 2 (b) hereof in the event the funds paid over to the state highway department are insufficient to do so, or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2 (b) hereof of the county to be paid from funds of the highway department.

Section 7. The state highway department shall construct, maintain and repair the county roads and bridges of Marshall County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Marshall County for road and bridge work from any source whatsoever. The state highway department shall retain, and the appropriate state official is authorized to pay over to it any funds or amounts to which Marshall County shall be entitled from the proceeds of the state gasoline tax, the motor vehicle license tax allocated to the county, or any other state tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the state highway department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Marshall County is entitled, received by the state highway department for road work in Marshall County, shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. At the time the governing body of the county transfers to the highway department county-owned road equipment, machinery and supplies, under the provisions of this Act, an inventory thereof shall be made, a copy to be kept on file by the county and by the department, and in the event this Act is repealed or becomes inoperative, the department shall return to the county, road equipment, machinery, and supplies of the kind and equal value.

Section 9. The commission on government and finance of Marshall County created by Act No. 294, H. 802, Regular Session 1963, (Acts 1963, p. 755) is abolished, and in lieu thereof there is hereby restored and reestab-

lished in Marshall County a court of record styled the county commission of Marshall County, which shall be composed of the judge of probate as chairman, and four commissioners who shall be elected as hereinafter provided. Commissioners shall be elected at the general election in 1970 and shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 10. One county commissioner shall be elected by the voters of the county from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Marshall County. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office.

Section 11. The present four associate members of the commission on government and finance of Marshall County shall serve as county commissioners of the county commission of Marshall County until their successors are elected and qualified as herein provided.

Section 12. Each member of the county commission shall receive thirty dollars for each meeting of such governing body which he attends, not to exceed one hundred twenty dollars per month, and actual expenses for any necessary travel within the State of Alabama on official county business. Such compensation shall be in lieu of all salaries, allowances and motor vehicles heretofore provided by law for such members. The probate judge shall be entitled to and receive two hundred dollars per month additional compensation for his duties as chairman of such governing body. He shall employ a chief clerk or accountant who shall keep a complete record of all receipts and disbursements of county funds, and must be prepared at all times to show the exact financial condition of the county. Compensation of such chief clerk or accountant shall be paid from the allowance heretofore provided the Marshall County commission on government and finance for the purposes of hiring clerks and other assistants.

Section 13. Except as otherwise provided in this Act, the county commission of Marshall County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Marshall County by local law; and the members of the county commission shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this state for members of courts of county commissioners, county commissions, boards of revenue, or like county governing bodies, or for the members of the governing body of Marshall County by local law.

Section 14. All laws or parts of laws in conflict with the Act are hereby repealed.

Section 15. The provisions of this Act are hereby declared to be severable in nature and shall any Section or other portion thereof be declared unconstitutional, or invalid, such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Marshall County

who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be, in the same way as elections on amendments to the Constitution and shall be held on the same day as the next general election following final passage of this Act. Notice of the election shall be given by the judge of probate of Marshall County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated as follows:

"Do you favor the local law authorizing the state highway department to assume responsibility for the construction, maintenance and repair of county roads and bridges and the recreating of a commission form of government in lieu of the commission as presently constituted? Yes( ) No( )."

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Marshall County shall certify the results of the election to the secretary of state and to the state highway director immediately after the returns have been certified.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jesse A. Culp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 5, 1969, July 8, 1969, July 15, 1969, and July 22, 1969, all in the year 1969.

JESSE A. CULP

Sworn to and subscribed before me August 4, 1969.

MIRIAM BREASEALE
Notary Public.

By Mr. Stone:

S. 803. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Stone:

S. 804. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

Committee on Local Legislation No. 1.

By Mr. McDermott:

S. 805. To fix the salary of the Clerk of any inferior State or County Court now having two judges in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Committee on Local Legislation No. 1.

By Messrs. McDermott and Pelham:

S. 806. To further amend Act No. 216, H. 598, Regular Session 1957 (Acts 1957, Vol 1, p. 273), which relates to Mobile County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To further amend Act No. 216, H. 598, Regular Session 1957 (Acts 1957, Vol 1, p. 273), which relates to Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1.

Section 1 of Act No. 216, H. 598, Regular Session 1957 (Acts 1957, vol. 1, p. 273), an act relating to bailiffs who serve in the General Sessions Court of Mobile County, is hereby further amended to read as follows:

"Section 1. Each judge of the Court of General Sessions of Mobile County created by an act approved March 23, 1956, is authorized and empowered to appoint, without regard to the county merit or civil service system, one bailiff for the court. Each bailiff appointed shall hold office at the will and pleasure of the judge who appoints him, and shall be paid an annual salary of not more than sixty-four hundred dollars, to be fixed by the judge. The compensation of such bailiff shall be paid from the county treasury on the certificate of the appointing judge showing that the bailiff had performed the duties assigned to him.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

E. E. Koch being sworn, says that he is Office Manager of the Mobile Press and the Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice ap-

peared in the issue of The Mobile Register July 10, 17, 24, 31, 1969.

E. E. KOCH

Sworn to and subscribed before me this 4 day of August 1969.

S. S. GATLIN
Notary Public.

By Mr. O'Bannon:

S. 807. To require hospitals to permit certain persons to inspect the record of any person who authorizes the same; to require proof of authorization; to define terms; and to prescribe penalties for violations.

Committee on Judiciary.

By Mr. Giles:

S. 808. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill in substantially the following form will be introduced in the Legislature of the State of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act. No. 708, 1967 Regular Session, Section 7 of Act No. 708 adopted at the 1967 Regular session of the Legislature of Alabama, which provides for public highways, streets and bridges in Madison County, Alabama, and contains, inter alia, provisions for the distribution

among the said county and the municipalities therein of those portions that are allocated to the said county by Act No. 224, 1967 Special Session, of the net proceeds from that certain excise tax, referred to in the said Act No. 708 as (and herein called) the "highway gasoline tax," and consisting of (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Section 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel, is hereby amended so that the said Section 7 shall read as follows:

Section 7. Use of Tax Proceeds Distributed Under This Act. All tax proceeds paid to the county pursuant to the provisions of this act shall be used by the county only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges, as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the proceeds from the highway gasoline tax were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act. No. 838 adopted at the 1953 Regular Session of the Legislature; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

All tax proceeds paid to any municipality pursuant to the provisions of this act shall be used by such municipality only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets, and other public ways including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the said proceeds were or may be lawfully pledged; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

When requested so to do by any municipality in the county, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this act. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 2. Disposition of Unexpended Highway Gasoline Tax Proceeds Allocated to Municipalities Under Act No. 708 Prior to the Effective Date of This Act. The state treasurer shall, within thirty days after the effective date of this act, pay over and distribute to or on the order of each municipality in the county all moneys which shall have been theretofore allocated to that municipality under the said Act. No. 708 and which shall not have been theretofore paid to that municipality; provided, however, that if the state highway department shall within five days after the effective date of this act file with the state treasurer a certificate signed by the Highway Director with respect to any such municipality (a) stating (i) that on the effective date of this act there was an outstanding contract between the said municipality and the state highway department whereunder the said municipality agreed to pay to the said department as compensation for engineering services of the said department in either preparation of plans or supervision of

construction work, or both, or as compensation for construction work performed by the said department (or as compensation for both such engineering services and such performance of construction work), any portion of the moneys that might be allocated to that municipality under the said Act. No. 708, (ii) that any such engineering services or construction work have been theretofore actually performed by the said department, (iii) that the amount of the compensation provided for in the said contract does not exceed the reasonable value of the services or work so performed, and (iv) that all or part of the said compensation then remains unpaid, (b) setting forth the amount of the said compensation that then remains unpaid and (c) directing the State Treasurer to pay the said unpaid compensation to the state highway department, out of the aforesaid moneys allocated to the said municipality under the said Act. No. 708 prior to the effective date of this act; then the State Treasurer shall within the said thirty-day period (1) pay to the state highway department, out of the moneys allocated to the said municipality under the said Act. No. 708 prior to the effective date of this act, the amount stated in the said certificate pursuant to the foregoing clause (b) of this section and (2) pay to or on the order of the said municipality the residue of the moneys allocated as aforesaid to such municipality under the said Act No. 708 prior to the effective date of this act.

None of the provisions of this section shall be deemed to prevent the state highway department and any municipality in the county from entering into any arrangement mutually agreeable to them for payment of any compensation to the state highway department that the municipality may have agreed to make in any contract entered into prior to the effective date of this act. The state highway department and any such municipality are hereby specifically authorized to enter into any such other arrangement and in the event mutually satisfactory arrangements for payment of any such compensation are made between the said department and any such municipality, the department shall not file the certificate hereinabove provided for with respect to that municipality.

Section 3. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 4. Effective Date. This act shall become effective on the first day of the second month following its being signed by the Governor or otherwise becoming law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 19, 24, 30, and August 4, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 4 day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Giles:

S. 809. To provide for the systematic purging of voter registration lists and for the making of various lists of registered voters by boards of registrars; requiring that registrars set up and maintain a file of registered voters and that voters report current addresses to registrars; and providing funds to be used toward defraying the expenses of operation of boards of registrars.

Committee on Privileges and Elections.

By Mr. Giles:

S. 810. To amend Sections 107 and 176, Title 17 and Section 34 (39) Title 37, Code of Alabama 1940, as amended; to provide a uniform procedure for the assistance of voters in all elections, and repealing conflicting sections.

Committee on Privileges and Elections.

By Mr. Giles:

S. 811. To provide for the resumption of the use of literacy tests as a qualification for voting as required by the state Constitution consistent with any federal law, orders, plan or court ruling under which tests may be resumed; to provide assistance to boards of registrars in conducting such tests and operating under such plan; and to provide for enforcement of applicable laws.

Committee on Privileges and Elections.

By Mr. Giles:

S. 812. To provide a non-discriminatory method of selecting persons to be considered for jury service; using the list of registered voters of each county; to prescribe the method of selecting names, determining qualifications, making up the jury roll, filling the jury box, and maintaining records; to provide qualifications for persons appointed as members of jury commissions, their remuneration and minimum number of meeting days; to provide for clerical assistance, equipment, and supplies to carry out the provisions of this act; to prescribe penalties for violation of the chapter; and to amend Sections 8, 10, 12, 15, 17, 18, 20, 21, 22, and 26, Title 30, Code of Alabama 1940, as amended.

Committee on Privileges and Elections.

By Mr. Harris:

S. 813. To propose an amendment to the Constitution of Alabama relating to Morgan County and the City of Hartselle and the City of Decatur, authorizing each of them separately or any two or more of them jointly, to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, to lease, sell, exchange and otherwise convey all or any part of any such projects or sites; and, after an approving bond election, to issue its interest-bearing general obligation bonds therefor; to exempt bonds issued to finance the acquisition of industrial sites from the requirement of an election; to specify the details respecting such bond election; to limit the amount of bonds that said county and said cities may have outstanding under the authority of said amendment; to require, as a condition precedent to the issuance of any such bonds, a lease or other similar agreement pro-

viding for the payment to the issuer of such bonds of rentals sufficient to pay the debt service on such bonds; to require the pledge of such rentals for such bonds and to authorize other security for such bonds; to authorize the said county or said cities, as the case may be, if such action is necessary to prevent or cure a default on bonds issued by said county or cities, to levy ad valorem taxes, without limit as to rate or amount and in addition to all other taxes then authorized, on the assessed value of all taxable property therein; to provide that in carrying out the purpose of said amendment neither said county or said cities shall be subject to the provisions of Section 93 of the Constitution of Alabama; and to provide that said amendment shall be self-executing but that the legislature shall have the power to enact supplemental general, special or local legislation notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Torbert:

S. 814. To permit banks now or hereafter situated in counties having a population according to the most recent federal decennial census of not less than 49,500 nor more than 50,500 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the state superintendent of banks.

Committee on Local Legislation No. 1.

By Mr. Radney:

S. 815. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Radney:

S. 816. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Committee on Judiciary.

By Mr. Skidmore:

S. 817. Proposing an amendment to the Constitution of 1901 relative to the power to levy ad valorem or property taxes.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Skidmore:

S. 818. To amend Section 84 of Title 33, Code of Alabama 1940, relating to filing statements to perfect hospital liens, so as to require such statements to be filed additionally with the clerk of each court of record in such county or counties having jurisdiction of civil matters.

Committee on Judiciary.

By Messrs. McDermott and Engel:

S. 819. To amend Section 3 of Act No. 584, H. B. 795, Regular Session, 1963, Acts 1963, (P. 1278 et seq), an act relating to the establishment and operation of Regional Planning Commissions in the State of Alabama.

Committee on Local Legislation No. 1.

By Mr. Stone:

S. 820. Relating to counties having a population of not less than 16,150 and not more than 17,250 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Committee on Local Legislation No. 1.

By Mr. McDermott:

S. 821. Relating to counties having populations of not less than 300,000 nor more than 500,000; providing an expense allowance for the director of the personnel department in any such county.

Committee on Local Legislation No. 1.

By Mr. Leonard:

S. 822. Relating to certain payments from the country treasuries of all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; fixing the amount of compensation and expense allowances that may be paid out of the treasury of any such county to certain county officers and their assistants and the amount of supplementary compensation and expense allowances that may be paid therefrom to certain officers of the circuit courts of the circuit in which such county lies.

Committee on Local Legislation No. 1.

By Mr. Leonard:

S. 823. Relating to certain payments from the county treasuries of all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; fixing the amount of compensation and expense allowances that may be paid out of the treasury of any such county to certain county officers and their assistants and the amount of supplementary compensation and expense allowances that may be paid therefrom to certain officers of the circuit courts of the circuit in which such county lies.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bassett and Hardin:

H. 803. To provide a state scholarship program to promote the education of nurses at the School of Nursing, Troy State University; and making an appropriation therefore.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. 803. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 268. To amend Sections 7, 8 and 12 of Act No. 558, Regular Session, 1943, approved July 9, 1943 (Alabama Acts of 1943, page 548 et seq.), by providing for the preparation and use of uniform accident reporting forms.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 212. To amend further the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965, (Acts of Alabama 1965, p. 1208), so as to authorize the establishment of marketing facilities for additional agricultural products, and to authorize and regulate the sales, alienation and conveyance of markets, market facilities and appurtenances thereto by the Farmers Market Authority; to fix the annual salary of the Administrator of the Farmers Market Authority; to authorize the use of funds collected for capital outlay, maintenance, repairs and operating expenses for markets; and to lengthen the period for which space or facilities at markets may be leased or contracted for; to repeal Act No. 221, H. 178, Legislature of 1969, Special Session, approved May 15, 1969.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jones, Pennington, Grainger, McLain and Laxson:

H. 1147. To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 17, June 24, July 1, and July 8, all in the year 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me July 8, 1969.

OPAL H. DILWORTH.
Notary Public.

Also:

By Messrs. Laxson, Jones, Grainger, McLain and Pennington:

H. 1148. To provide for the presiding judge, Twenty Third Judicial Circuit of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the presiding judge, Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit judges of the Twenty-Third Judicial Circuit of Alabama shall select one of their number who shall be called the presiding judge who may designate one of the judges to preside in his absence, and if the presiding judge does not designate a judge to preside, the other judges shall select one to preside in the absence of the presiding judge. In the event the judges are unable to select a presiding judge, they shall make their inability to decide known to the Chief Justice of the Supreme Court of Alabama who shall appoint one of their number as presiding judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 17, 24, July 1 and 8, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 8th day of July, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

Also:

By Messrs. Pennington, McLain, Grainger, Laxson and Jones:

H. 1149. To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court in the Twenty-Third Judicial Circuit of Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now in force and effect.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 17, 24, July 1 and 8, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 8th day of July, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

Also:

By Messrs. McLain, Jones, Grainger, Pennington and Laxson:

H. 1150. To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Circuit Court of the Twenty-Third Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than forty-eight competent jurors obtained from the regular juries in the Court. One hundred names shall be drawn from the jury box for service during any week in which a capital case is set for trial.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 17, 24, July 1 and 8, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 8th day of July, 1969.

OPAL H. DILWORTH,
Notary Public.

My Commission expires April 10, 1971.

Also:

By Messrs. Jones, Pennington, Grainger, Laxson and McLain:

H. 1151. To regulate further the excusing of persons from jury service in the Twenty-third Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To allow subsequent jury service in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge in the Twenty-Third Judicial Circuit of Alabama who excuses any person from jury service for reasonable and proper cause pursuant to Code of Alabama 1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some later date to be determined by the Court. No juror who is excused pursuant to the provisions of this Section shall be entitled to his mileage fee and per diem fee for the day on which he originally appears and is excused; and for his service during the subsequent week in which he is required to serve he shall receive the same fees as if he was originally summoned to serve during that week.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 17, 24, July 1 and 8, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 8th day of July, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

Also:

By Messrs. Laxson, Grainger, Jones, Pennington and McLain:

H. 1152. Relating to judicial procedure in the Twenty-third judicial circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Separation of jury by consent in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney, in the Twenty-Third Judicial Circuit of Alabama, in any prosecution for felony, whether capital or non-capital consent thereto in open court, the trial court in its descretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to that accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

Section 2. It shall be improper for the trial court to ask the accused, counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County,

Alabama, and that the attached legal notice was published in said newspaper on June 17, 24, July 1 and 8, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 8th day of July, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

Also:

By Messrs. Pennington, McLain, Laxson, Jones and Grainger:

H. 1153. To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Madison County shall be entitled to receive compensation as follows:

(a) For the Clerk of the Circuit Court of the Twenty-third Judicial Circuit of Alabama, a salary of Fourteen Thousand ($14,000.00) Dollars per annum.

(b) For the Sheriff, a salary of Sixteen Thousand Five Hundred ($16,500.00) Dollars per annum.

Such salaries shall be in lieu of all other compensation, remuneration or repayment of expenses heretofore provided by law, including, but not limited to, fees, commissions, allowances, percentages and other charges theretofore

paid such officers and such salaries shall be payable in equal monthly installments out of the General Fund of the County.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the Circuit Court Clerk and Sheriff, hereafter shall be collected and paid into the General Fund of the County by the officer authorized by law to make such collection. Such payment into the General Fund of the County shall be made by the 10th day of the month following collection.

Section 3. The Board of County Commissioners, Board of Revenue, or other like governing body of Madison County shall provide the Circuit Clerk with such clerical assistance, quarters, books, stationery, furniture, equipment, postage, travel expenses and such other conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The said Clerk shall have such clerical assistants and deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such clerical assistants and deputies shall serve as the pleasure of the Circuit Court Clerk.

The county governing body shall likewise provide the Sheriff with such clerical assistance, quarters, books, stationery and supplies, furniture, equipment, postage, travel expenses and such other conveniences as it may consider necessary for the proper and efficient operation of the Sheriff's office and shall furnish the Sheriff an adequate number of automobiles or other motor vehicles, which shall be repaired, maintained and serviced (including oil, gas, tires, battery service and lubrication necessary for their upkeep and operation) at the Madison County Highway Maintenance Shop, or elsewhere in case of emergency, at the expense of the General Fund of the County under such regulations as the county governing body may prescribe. The Sheriff shall have a chief deputy and such additional deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such chief deputy or deputies shall serve at the pleasure of the Sheriff.

On or before August 15 of each year, the Circuit Clerk and Sheriff shall file with the governing body of the County a detailed estimate, in such form as that body may prescribe, showing by items the anticipated financial requirements for the operation of said office during the ensuing fiscal year. The governing body of the county shall adopt its budget not later than the first regular meeting in October of each year and the budget so adopted shall make such provision with respect to the financial operation of the office of Circuit Court Clerk and Sheriff as the county governing body may determine reasonable and proper.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective as to each officer named herein upon the expiration of the current term for which each such officer has heretofore been elected or appointed and at the commencement of the next term of said office.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Avery, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Huntsville News, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 21, June 25, July 1, and July 7, all in the year 1969.

CHARLES AVERY.

Sworn to and subscribed before me July 21, 1969.

RALPH H. FORD,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1147, 1148, 1149, 1150, 1151, 1152 and 1153. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Collins (W):

H. 870. To provide for a refund of a portion of the state tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in the State of Alabama; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the Commissioner of Revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 870. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Collins (W), McCorquodale, Cook (Jefferson), Marr, Cameron, Hobbie, Nettles, Edington, Lyons, Downing and Collins (C):

H. 400. To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary; so as to provide further for his appointment, compensation, qualifications and duties.

Also:

By Messrs. Hobbie, Culver, Smith, Harris, Collier, Brown and Jackson (F):

H. 301. To amend further Code of Alabama 1940, Title 22, Section 213, as amended, which pertains to "LICENSES TO PRODUCERS, PRODUCER-DISTRIBUTORS, STORES, MILK DEALERS, DISTRIBUTORS, AND COOLING STATIONS," so as to bring within the provision of said section.

Also:

By Messrs. Hobbie, Smith, Harris, Culver, Collier, Brown and Jackson (F):

H. 302. To amend further Code of Alabama 1940, Title 22, Section 206, as amended, which pertains to "DEFINITIONS," so as to provide for the further defining of and.

Also:

By Messrs. Hobbie, Culver, Smith, Harris, Collier, Brown and Jackson (F):

H. 303. To amend further Code of Alabama 1940, Title 22, Section 220, as amended, which pertains to "Executive Secretary and Financial Officer", so as to fix the maximum compensation of the Executive Secretary at $12,500 and to further require a bond in such amount as may be fixed by the Treasurer, not to exceed $12,500, as may be provided by law for public officers.

Also:

By Messrs. Hobbie, Cameron, Harris, McElhaney and Springer:

H. 660. Relating to state revenue; exempting from the sales tax levied by Section 2(b), Act No. 100, Second Special Session 1959, the gross proceeds from the sales tax levied by Section 2(b), Act No. 100, Second Special Session 1959, the gross proceeds from sales of admissions to and other sales in connection with the annual Shrine football game in Montgomery, the proceeds of which are devoted to the Crippled Children's Hospital.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message

from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 400, 303 and 660. To the Committee on Finance and Taxation.

H. B. 301. To the Committee on Agriculture.

H. B. 302. To the Committee on Judiciary.

MOTION IN WRITING

Mr. Harris offered the following Motion in Writing, to-wit:

"Having voted with the prevailing side, I move that the vote by which H. B. 342 passed as amended be reconsidered."

Which was adopted.

Mr. Harris then moved that the Senate reconsider the vote by which the Bill, H. B. 342, was amended, was ordered to its third reading, which motion was adopted.

Mr. Harris then moved that the Senate reconsider the vote by which it adopted the Harris amendment to the Bill, H. B. 342, as amended, which motion was adopted.

Mr. Harris then moved that his amendment to the Bill, H. B. 342, as amended, be laid on the table, which motion was adopted.

Mr. Clark moved that the Senate reconsider the vote by which it adopted the Adams amendment to the Bill, H. B. 342, as amended which motion was adopted.

Mr. Clark then moved that the Adams amendment to the Bill, H. B. 342, as amended, be laid on the table, which motion was adopted.

And said Bill:

H. 342. To provide for city elections on legality of sale and distribution of alcoholic beverages in dry counties; and to exempt certain counties, classified by population, from the operation of the Act.

As amended, was again read a third time at length and passed.

Yeas 15; Nays 9.

Yeas:

Messrs.:	Giles	McDermott	Pierce	
Bailes	Goodwyn	Morrow	Skidmore	
Clark	Hawkins	Nabors	Torbert	
Engel	Lindsey	Pelham	Turner	
				—15

Nays:

Messrs.:	Cooper	Lolley	Radney	
Albea	Harris	Oden		
Branyon	Jackson			
				—9

RESOLUTION

Messrs. McCarley, Adams, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Dominick, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lindsey, Lolley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Pierce, Radney, Skidmore, Stone, Torbert, Turner and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 67. WHEREAS, It has been learned to our great sorrow that Mrs. Mildred T. McDow, wife of former Senator James McDow, died last night, August 4, 1969, after an extended illness; and

WHEREAS, Mrs. McDow was a devoted wife and mother, a devout Christian, an active worker in the Baptist Church in Columbiana, and a prominent civic leader in the community; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we extend our profound and heartfelt sympathy to Senator McDow and his family in their great loss.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Senator McDow and his children: James Thomas, Jr., Richard Henry, and Patricia Susan.

On motion of Mr. McCarley, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITITEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 470. To change the method of compensating certain officers of Tallapoosa County; placing such officers on a salary basis at the expiration of certain terms and providing for the operation of their offices on such basis; providing that this act shall be subject to the ratification of a certain amendment to the Constitution and the approval of the voters of Tallapoosa County voting thereon.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Starnes and Drake:

H. 1018. Relating to judicial circuits composed of one county which county has a population of not less than 47,000 and not more than 49,000 and which county has two courthouses; authorizing the district attorney of such circuit to appoint a secretarial assistant; to prescribe the powers, duties and compensation of such assistant; and to provide for the payment of his compensation out of the general fund of the county composing such circuit.

Also:

By Mr. Drake:

H. 1021. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit:

Beginning at the Northwest corner of the Northeast Quarter of Section 5, Ts. 10 S, Range 3 West; thence South 800 feet; thence East 600 feet to a point on existing Cullman Corporate limits; thence Northwest along the existing Cullman Corporate limits approximately 600 feet; thence Northeast along the existing corporate approximately 600 feet to a point on the present Cullman Corporate limits, being on North boundary of State Highway right-of-way; thence West along the State Highway right-of-way to point of intersection with the West boundary of the Southeast Quarter of Section 32, Ts. 9 S, Range 3 West; thence South along the West boundary of the said quarter section a distance of 90 feet, more or less to the Southwest corner of said quarter section, being also the point of beginning of the land herein described; and

The North half of the Northwest Quarter of Section 5, Ts. 10 S, Range 3 West; and

The South half of the Southwest Quarter of Section 32, Ts. 9 S, Range 3 West; and

Two hundred feet of even width off of and across the east side of the Southeast Quarter of the Southeast Quarter of Section 31, Ts. 9 S, Range 3 West; and

Two hundred feet of even width off of and across the East side of the Northeast Quarter of the Northeast Quarter of Section 6, Ts. 10 S, Range 3 West.

All being in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, June 10, June 17, and June 24, all in the year 1969.

ROBERT BRYAN.

Sworn to and subscribed before me this the 24th day of June, 1969.

SUE EVANS,
Notary Public.

My Commission expires May 21, 1972.

Also:

By Mr. Drake:

H. 1022. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of

said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit:

TRACT I:

Southwest Quarter of Southeast Quarter of Section 34, Ts. 9 S, Range 3 West, which is a l s o known as Lot Number 25 of F. J. Cramption Addition to City of Cullman.

Northwest quarter of Northeast quarter of Section 3, Ts. 10 S, Range 3 West, which is also known as Lot Number 26 of F. J. Cramption Addition to City of Cullman, Alabama.

Southwest Quarter of Northeast Quarter of Section 3, Ts 10 S, Range 3 West. A part of this forty has been plotted and designated as Tanglewood Subdivision to City of Cullman.

Northwest Quarter of Southeast Quarter of Section 3, Ts. 10 S, Range 3 West.

All being in Cullman County, State of Alabama.

TRACT II:

The Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and

Four Hundred feet of even width off of and across the East side of the Southwest Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and

All that part of Northwest Quarter of Southeast Quarter and of the Northeast Quarter of the Southwest Quarter, Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278; and

A part of the Northwest Quarter of the Southwest Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at the Northeast Corner of said forty; thence West along the North forty line 400 feet; thence South 480 feet along a line parallel to and 400 feet West of the East forty line to a point on the South R-O-W of Highway 278; thence North and East along said R-O-W to a point on the East line of said forty; thence North along the East forty line back to the point of beginning; and

A part of the Southeast Quarter of Northeast Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at intersection of the North R-O-W of Highway 278 and the East line of said forty; thence North along the East forty line 25 feet; thence West along a line parallel to and 25 feet North of the North R-O-W of Highway 278 to a point on the West forty line; thence South along the West Forty line 25 feet to a point on the North R-O-W of Highway 278; thence East along the North R-O-W of Highway 278 back to the point of beginning; and also

All that part of the Northeast Quarter of the Southeast Quarter of Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278.

All being in Cullman County, State of Alabama.

TRACT III:

A part of Southeast Quarter of Southeast Quarter and of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West, described as follows, to-wit: Beginning at Northeast corner of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West; thence running West along forty line 176 feet; thence turning an angle of 89° 54′ and running South 550 feet to point on South line of Lake David Drive; thence East along South line of Lake David Drive 176 feet to point on East line of said forty; thence continuing East approximately 604 feet along South line of Lake David Drive into the Southeast Quarter of Southeast Quarter of Section 5, Ts. 10 S, Range 3 West and across Highway 157 to point on present corporate limits of City of Cullman being on the East R-O-W of Highway 157; thence North along said corporate limits and East R-O-W approximately 600 feet to a point on the North line of said forty; thence West along said North forty line approximately 375 feet back to point of beginning. Including within this description Lots 1 through 13 inclusive of the Ragsdale Subdivision as shown on plat thereof in the Probate Office of Cullman County, Alabama, and other lands.

All being in Cullman County, State of Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 25, June 1, June 8, June 15, all in the year 1969.

ROBERT BRYAN.

Sworn to and subscribed before me this the 24th day of June, 1969.

SUE EVANS,
Notary Public.

My Commission expires May 21, 1972.

Also:

By Mr. Drake:

H. 1033. Relating to counties having populations of not less than

42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; to provide for the compensation of the members of the jury commission in such counties.

Also:

By Mr. Collier:

H. 1065. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
ELMORE COUNTY

Notice is hereby given that the following bill in substance will be introduced in the Legislature of Alabama at any special or regular session thereof during 1969 and application for its enforcement into law will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Tallassee, Alabama, in Elmore County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

PARCEL 1

Begin at the South West Corner of Section 30, Township 18 North, Range 22 East, Elmore County, Alabama, as the point of beginning of the property to be described; thence run East along the South line of said Section 30 for a distance of 2,800.0 feet, more or less, to the West bank of the Tallapoosa River; thence run Northerly along the West bank of the Tallapoosa River to the intersection of the North line of Section 30; thence run West along the North line of Section 30 to the North West Corner of Section 30; thence run South along the West line of Section 30 to the South West Corner and the point of beginning. All lying in Section 30, Township 18 North, Range 22 East, Elmore County, Alabama.

PARCEL 2

Begin at the North West Corner of Section 19, Township 18 North, Range 22 East; thence run South 60 degrees 48 minutes East for a distance of 126.8 feet; thence run North 78 degrees 37 minutes East for a distance of

142.1 feet; thence run North 74 degrees 36 minutes East for a distance of 687.4 feet; thence run South 80 degrees 20 minutes East for a distance of 396.6 feet; thence run South 75 degrees 49 minutes East for a distance of 1085.1 feet; thence run South 75 degrees 01 minutes East for a distance of 626.5 feet; thence run North 88 degrees 42 minutes East for a distance of 320.5 feet; thence run North 26 degrees 38 minutes East for a distance of 39.5 feet; thence run South 61 degrees 32 minutes East for a distance of 64.6 feet and to the boundary of Alabama Power Company property and the point of beginning of the property to be described; thence run South 3 degrees 30 minutes West for a distance of 50.0 feet; thence run North 86 degrees 29 minutes West for a distance of 257.3 feet; thence run South 1 degrees 36 minutes West for a distance of 148.7 feet; thence run South 86 degrees 29 minutes East for a distance of 300.0 feet; thence run South 29 degrees 38 minutes East for a distance of 180.35 feet; thence run North 75 degrees 3 minutes East for a distance of 20.0 feet; thence run South 14 degrees 56 minutes East for a distance of 313.98 feet; thence run South 5 degrees 27 minutes West for a distance of 52.5 feet; thence run South 82 degrees 47 minutes East for a distance of 141.58 feet; thence run North 70 degrees 14 minutes East for a distance of 120.0 feet, more or less, to the West bank of the Tallapoosa River; thence run Southerly along the West bank of the Tallapoosa River to its intersection with the South line of Section 19; thence run West along said South line of Section 19 for a distance of 990.0 feet, more or less, to the intersection of Alabama State Highway 299; thence Northerly along the East right-of-way of Alabama State Highway 299 for a distance of 990.0 feet, more or less; thence run South 46 degrees 16 minutes East for a distance of 47.2 feet; thence run North 61 degrees 09 minutes East for a distance of 962.2 feet; thence run North 10 degrees 23 minutes East for a distance of 857.5 feet; thence run North 9 degrees 20 minutes East for a distance of 296.9 feet; thence run North 89 degrees 36 minutes East for a distance of 107.1 feet; thence run North 7 degrees 30 minutes East for a distance of 777.3 feet; thence run North 23 degrees 15 minutes East for a distance of 232.0 feet to the North boundary of Mill Street; thence run North 84 degrees 53 minutes West for a distance of 129.5 feet; thence run North 84 degrees 20 minutes West for a distance of 430.5 feet; thence run North 78 degrees 22 minutes West for a distance of 95.0 feet; thence run North 51 degrees 40 minutes West for a distance of 83.0 feet; thence run North 37 degrees 07 minutes West for a distance of 260.0 feet; thence run North 24 degrees 25 minutes West for a distance of 58.0 feet; thence run North 17 degrees 57 minutes East for a distance of 62.0 feet; thence run North 47 degrees 44 minutes East for a distance of 51.0 feet; thence run North 71 degrees 14 minutes East for a distance of 57.0 feet; thence run North 85 degrees 52 minutes East for a distance of 67.0 feet; thence run North 83 degrees 46 minutes East for a distance of 147.0 feet; thence run North 86 degrees 46 minutes East for a distance of 86.0 feet; thence run North 62 degrees 07 minutes East for a distance of 63.0 feet; thence run North 33 degrees 46 minutes East for a distance of 83.0 feet; thence run North 63 degrees 46 minutes West for a distance of 32.7 feet; thence run North 26 degrees 14 minutes East for a distance of 198.9 feet; thence run North 66 degrees 24 minutes East for a distance of 52.3 feet; thence run North 18 degrees 40 minutes East for a distance of 537.0 feet; thence run South 76 degrees 28 minutes East for a distance of 126.5 feet; thence run South 22 degrees 42 minutes West for a distance of 136.2 feet; thence run South 02 degrees 53 minutes West for a distance of 260.0 feet and the point of beginning. All lying in Section 19, Township 18 North, Range 22 East, Elmore County, Alabama.

PARCEL 3

Begin at the South East Corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 24, Township 18 North, Range 21 East, Elmore County, Alabama, as the point of beginning of the property to be described; thence run West along said Quarter Section Line to the intersection of the West line of Section 24; thence run North to the South West Corner of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼ of Section 24; thence run East to the South East Corner of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section 24; thence run North to the North East Corner of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section 24; thence run West to the North West Corner of Section 24; thence run North to the North West Corner of the Southwest Quarter (SW¼) of Section 13; thence run East to the North East Corner of the Southwest Quarter (SW¼) of Section 13 and the West boundary of Azalea Drive; thence Southerly along the West boundary of Azalea Drive to the intersection with the North right-of-way of Friendship Road and which is also the point of intersection with the East line of the West Half (W½) of the Northeast Quarter (NE¼) of Section 24; thence run South along the East one-half Section Line of Northeast Quarter (NE¼) of Section 24 to the South East Corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 24 and the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
ELMORE COUNTY

Before me, the undersigned authority, personally appeared Herve Charest, Jr., who by me first being duly sworn deposes and says that he is the publisher of The Tallassee Tribune, weekly newspaper published at Tallassee in Elmore County, Alabama, and that the attached notice, A Bill To Be Introduced In The Legislature of Alabama, was published in said newspaper for 4 successive weeks to-wit: June 19 and 26 and July 3 and 10, 1969.

HERVE CHAREST, JR.

Sworn to and subscribed before me this 15th day of July, 1969.

CATHERINE K. CHAREST,
Notary Public.

My Commission expires 12/16/69.

Also:

By Messrs. Cook (Jefferson), Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Kilgore, Waggoner, Meeks, House, Sessions and Bowers:

H. 1073. To amend Section 3 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, Page 1132, et seq) which fixes, levies, and requires the payment of a license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census.

Also:

By Messrs. Graham and Berryman (W):

H. 1085. To provide for the City of Tuscumbia, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COLBERT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the City of Tuscumbia, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Application. This Act shall apply to and have application in the City of Tuscumbia only and to the police department, the fire department, and the city clerk's office of such city.

Section 2. Definitions. As used in this Act unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Tuscumbia; "employee" means any person (including the head of the department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this Act; "head" of department includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the feminine and neuter; the singular includes the plural, and the plural the singular.

Section 3. Civil service system. All employees of the city as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this Act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board, and the board may by rules prescribe a retirement age for all employees; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and no present employee shall be subject to any examination in order to hold his present position.

Section 4. Civil service board. There is created the Civil Service Board of Tuscumbia, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of whom shall be over twenty-five years of age, of recognized character and ability, and an actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this Act, Members No. 1, 2, and 3 shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year, Member No. 2 shall be appointed to serve for a period of two years, and Member No. 3 shall be appointed for a period of three years. Each year thereafter the city governing body shall appoint one person as the successor to the member of the civil service board whose term expires that year, to serve for a period of three years. Vacancies occurring from death or resignation shall be filled by the city governing body for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet at least once a month in the municipal building on a date and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments to the board shall be by unanimous vote of the governing body of the city.

Section 5. Qualification by member. Every person appointed a member of the civil service board shall, within fifteen days after his appointment, qualify by making oath that he is eligible for said office and will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oaths or by any member of the city governing body, and a copy thereof shall be filed with the city clerk.

Section 6. Compensation. The compensation of each board member shall be one hundred dollars per annum, payable quarterly by the city, and the member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

Section 7. Records of the board. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as the custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board.

Section 8. Powers and duties of the board. The board shall make rules and regulations to carry out the purposes of this Act, and to provide for examinations, appointments, and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotion persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a mazimum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations

governing dismissals, suspensions, layoffs, terminations, vacations, and leaves of absence; and such rules and regulations shall govern in such matters. Except in connection with a reduction in force, demotion, suspension, or a general decrease in the salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a non-partisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of appointment.

Section 9. Appointments. The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position, and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for reemployment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein, all applicants shall be examined. Examinations shall be open to all citizens of the United States, public, competitive, and subject to the limitations specified by the board as to age, residence, health, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position sought. Examinations shall be practical in character and shall relate to those matters which test the ability of the persons examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All applicants shall be graded. A veteran and the widow of a veteran shall have five points added to his or her grade. Any veteran who is drawing compensation shall have 5 points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have 10 points added to his or her grade. The board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

Section 10. Application for employment. All applicants for employment shall file their application in writing with the board, said application to be on blank forms furnished by the board. The board shall conduct all examinations and whenever an examination is to take place shall notify the applicants in writing. Each applicant for examination shall pay to the city clerk the sum of two dollars as an examination fee, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the city.

Section 11. Vacancies. The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire and police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list; and one of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board.

Section 12. Demotions or suspensions. A department head shall have

the authority in his department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion the employee shall be given a public hearing by the board before any order of demotion shall be final. A department head shall have authority to suspend any subordinate employee in his department pending the hearing by the board. Any head of a department may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. Removals and discharges. No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board, and after an opportunity has been given him to face his accusors, to be heard in his own defense, and to be represented by counsel. Written charges may be filed against any such employee by the governing body of the city or by any member thereof or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board. Charges against any department head or any employee may be filed by any resident citizen of the city.

All charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board, but if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law.

All hearings before the board shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the accused employee, is filed with the board, the public may, in the discretion of the board, be excluded. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer furnished by the police department. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. I shall not be the duty of the city attorney to prosecute any charges brought by private citizens. In all proceedings before the board, the city attorney may appear and represent the interest of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it. If any employee against whom charges are pending willfully fails or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if they were present. The board, its specially authorized representatives, and each member of the board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. In case a person refuses to obey any subpoena, the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing such court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce evidence

and give testimony relating to the matter in issue. A person who fails to obey such subpoena may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fee shall be paid from the city treasury.

Section 14. Review of decision and appeals. Any party, including the city governing body, aggrieved by a final decision of the board is entitled to a review of such decision by the circuit court of Colbert County, Alabama, by filing a petition in said court within ten days after such final decision is rendered, such petition to be accompanied by such security for the costs of the filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practical date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or to remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantive rights of the petitioner have been prejudiced because the final decision of the board was: (1) unsupported by substantial evidence in the record submitted; (2) in excess of the authority conferred by this Act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; (5) affected otherwise by substantial error or injustice. Within 30 days an appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The decision or order of the board shall not be superseded by any review or appeal, and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review of appeal.

Section 15. Political activities prohibited. No person shall be appointed or promoted to, or dismissed from any position, or favored or discriminated against with respect to employment because of his political or religious opinions or affiliation. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No member shall directly or indirectly solicit any employee for a subscription or contribution for any political organization. No employee shall be a member of any national, state or local committee of a political party, or any official of a partisan political club or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political party or political campaign except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this section shall suffer such disciplinary punishment as the board may direct.

Section 16. Penalties. The violation by any employee of any provision in this Act or of any of the rules or regulations issued by the board is pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided, and if such charges are sustained by the board, after a notice and hearing as provided, such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline for a period of one year to reappoint an employee who has been discharged for such cause. The board may on its own

motion institute charges against an employee for the violation of any of the provisions of this Act or of any of the rules or regulations issued in pursuance thereof.

Section 17. Special police officers and temporary appointments. The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different size and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this Act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this Act to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

Section 18. Chairman of the board. The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the municipal building unless otherwise provided by such board.

Section 19. Printing regulations. The board shall, within 90 days after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this Act, as it may deem proper. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given for 30 days by posting a copy of the same in the vestibule of the municipal building.

Section 20. Constitutionality. Each section of this Act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this Act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this Act which is not of itself void and unconstitutional.

Section 21. Severability. If this Act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board, with the approval of the city governing body, may employ counsel to represent it in sustaining this Act or the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 22. Inconsistent laws repealed. All laws and parts of laws in conflict or inconsistent herewith are hereby repealed.

Section 23. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COLBERT COUNTY

Before me, Rebecca G. Blankenship, a Notary Public, in and for said State and County aforesaid, personally appeared Richard S. McGrew Sr., Publisher of The Centreville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in the Colbert County Reporter for 4 successive weeks, as follows: June 12, 19, 26, July 3, 1969; That Colbert County Reporter is a weekly newspaper of general circulation in Colbert County, Alabama; That it is entered in the Postoffice at Tuscumbia, Alabama, 35674, as second-class mailing matter; That it has been published for 52 successive weeks prior to the publication of this legal notice.

RICHARD S. McGREW, SR.,
Publisher.

Sworn to and subscribed before me, this 10th day of July, 1969.

REBECCA G. BLANKENSHIP,
Notary Public.

Also:

By Messrs. Graham and Berryman (W):

H. 1090. Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court in Equity, and for payment of such clerk's salary by the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
FRANKLIN COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court, in Equity, and for payment of such clerk's salary by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Register of the Circuit Court, in Equity, for Franklin County, Alabama, may appoint a clerk to hold office at the pleasure of the register and to perform such duties as the Register directs. The beginning salary of said clerk shall be $125.00 per month, payable monthly, which said salary shall be paid from the general fund of the county. From time to time, as the work load in the office of the Register increases, and consequently the work load of said clerk increases, the Register may request the Board of Rev-

enue of the county to raise the salary of said clerk, subject to the approval of the board, in multiples of $25.00 per raise per month.

Section 2. This act shall be come effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being be me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me July 10, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Mr. Mathews:

H. 1091. Relating to counties having populations of 10,800 or less, according to the last or any subsequent federal decennial census; to fix the compensation of the county solicitor in such counties; to repeal conflicting laws.

Also:

By Messrs. Stembridge and Crawford:

H. 1094. Relating to certain county officers in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; providing expense allowances for the probate judge, the tax assessor and the tax collector; and prescribing an effective date and an expiration date for this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1018, 1021, 1022, 1033, 1065, 1085, 1090, 1091 and 1094. To the Committee on Local Legislation No. 1.

H. B. 1073. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Neville:

H. 1047. To change the method of compensating the sheriff of Barbour County, placing such officer on a salary basis; to provide that the fees, commissions, and allowances provided the sheriff under the general law shall be paid into the county treasury; and to provide that expenses, equipment and assistants necessary to the conduct of the sheriff's office be paid for by the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT:

To change the method of compensating the sheriff of Barbour County, placing such officer on a salary basis; to provide that the fees, commissions, and allowances provided the sheriff under the general law shall be paid into the county treasury; and to provide that expenses, equipment and assistants necessary to the conduct of the sherriff's office be paid for by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sherriff of Barbour County shall be compensated on a salary basis and shall receive $12,000 per annum to be paid in equal monthly installments from the general funds of the county. Said salary shall be the entire compensation of the sheriff for the performance of his official duties.

Section 2. The fees, commissions, percentages, allowances, charges and court cost heretofore collectible for the use of the sheriff shall hereafter be collected for the use of the county and shall be paid into the general fund of the county.

Section 3. The board of revenue, court of county commissioners or other like governing body of Barbour County shall provide compensation for such number of clerks, assistants and deputies of the sheriff, and such deputies, clerks and assistants shall be appointed and compensated as provided by Act No. 235, S97 of the Regular Session of 1967 (Acts 1967, P. 611.)

Section 4. The board of revenue, court of county commissioners, or other like governing body of Barbour County shall provide the sheriff with

all necessary supplies, materials and equipment needed for the efficient enforcement of the law in the county and for the efficient operation of the sheriff's office, including motor vehicles, communications equipment, and all materials and accessories necessary for their operation. All of these items are to be furnished upon the written requisition of the sheriff, subject to the approval of the county governing body.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective upon the expiration of the term of office of the incumbent sheriff of Barbour County and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing such an act.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: June 24, July 1, 8, and 15.

JOEL P. SMITH.

Sworn to and subscribed before me this the 15th day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public.
Barbour Co., Ala.

Also:

By Mr. Hardin:

H. 1096. Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

State of Alabama, County of Butler.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Butler County is hereby authorized to appropriate or expend county funds for the purpose of providing contributions for the use of any organized and established volunteer rescue squad operating within the county. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payment shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. The governing body of any municipality in Butler County is likewise authorized to contribute municipal funds to such rescue squad when its governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions. Payment shall be made from municipal funds upon the warrant signed by the mayor or other presiding officer of the municipal governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wm. E. Hardin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1969.

W. E. HARDIN.

Sworn to and subscribed before me July 16, 1969.

PAULINE B. FULTON,
Notary Public.

Also:

By Mr. Harper:

H. 1068. To alter, rearrange and extend the boundary lines and corpo-

rate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
TALLAPOOSA COUNTY

Notice is hereby given that the following bill in substance will be introduced in the Legislature of Alabama at any special or regular session thereof during 1969 and application of its enforcement into law will be made, to-wit:

A BILL
TO BE ENACTED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Tallassee, Alabama, in Tallapoosa County, Alabama, be and the same are hereby altered, rearranged and extended to as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

PARCEL 1.

Begin at the North East Corner of Section 19, Township 18 North, Range 22 East and run South 18 degrees 54 minutes West for a distance of 998.2 feet; thence run South 34 degrees 30 minutes West for a distance of 226.5 feet to the South right-of-way of Alabama State Highway 14 and the point of beginning of the property to be described; thence run South 34 degrees 30 minutes West for a distance of 184.4 feet; thence run South 10 degrees 16 minutes East for a distance of 200.0 feet; thence run South 2 degrees 46 minutes East for a distance of 238.5 feet; thence run South 36 degrees 07 minutes East for a distance of 213.9 feet and the West Right-of-Way of South Central Boulevard, (which is also the Tuskegee Highway); thence run Southerly along the West Right-of-Way of the Tuskegee Highway to the intersection with the South Line of Section 19; thence run West along the South Line of Section 19 for a distance of 800.0 feet; more or less, to the East bank of the Tallapoosa River; thence run Northerly along the East bank of the Tallapoosa River to the South Line of the Alabama Power Company property known as Parcel No. 1 as established by survey designated "Lower Tallassee Development Map" prepared by Alabama Power Company on July 22, 1930 and recorded in the Office of the Judge of Probate of Tallapoosa County, Alabama; thence run North 86 degrees 50 minutes East for a distance of 233.0 feet; thence run North 55 degrees 30 minutes East for a distance of 235.0 feet, more or less, to the South Right-of-Way of Alabama State Highway 14 and the point of beginning. All lying in Section 19, Township 18 North Range 22 East, Tallapoosa County, Alabama.

PARCEL 2

Begin at the North East Corner of Section 30, Township 18 North, Range 22 East and run West along the North Line of Section 30 for a dis-

tance of 1600.0 feet and the point of beginning of the property to be described; thence run South 00 degrees 30 minutes West for a distance of 452.0 feet; thence run South 2 degrees 20 minutes West for a distance of 250.0 feet; thence run South 6 degrees 40 minutes West for a distance of 1,003.0 feet; thence run South 16 degrees 00 minutes East for a distance of 509.0 feet; thence run South 26 degrees 40 minutes East for a distance of 1,067.0 feet; thence run South 11 degrees 30 minutes East for a distance of 250.0 feet; thence run South 21 degrees 00 minutes West for a distance of 573.0 feet; thence run West for a distance of 312.0 feet, more or less, to the East bank of the Tallapoosa River; thence Northerly along the East bank of the Tallapoosa River to the intersection of the North Line of Section 30; thence run East along the North Line of Section 30 for a distance of 120.0 feet, more or less, to the point of beginning. All lying in Section 30, Township 18 North, Range 22 East, Tallapoosa County, Alabama.

Section 2. That this act shall be come effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, Ray Pruitt, Business Manager, of the Dadeville Record, published weekly at Dadeville, Alabama, do solemnly swear that a copy of the notice, as per clipping attached, was published 4 times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 19, 1969, and ending with the issue dated July 10, 1969.

RAY PRUITT.

Subscribed and sworn before me this 11th day of July, 1969.

JEAN DAVIS,
Notary Public.

Also:

By Mr. Pearson:

H. 1101. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to authorize the county governing bodies of such counties to employ the clerks of the circuit courts in such counties to perform certain duties, and to prescribe such duties and to provide for payment of compensation therefor.

Also:

By Mr. Pearson:

H. 1102. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Also:

By Mr. Pearson:

H. 1103. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial

census; to provide an allowance for the employment of additional clerical assistance by the tax collectors and tax assessors of such counties; to repeal conflicting laws.

Also:

By Mr. Neville:

H. 1104. Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Barbour County, in registering any qualified elector of the county who lives in any precinct lying wholly within the corporate limits of any municipality in the county, shall record on the application of the elector and on the precinct list required in Section 54, Title 17, Code of Alabama 1940, the name of the municipality in which such elector resides. If the elector resides in any precinct lying partly within and partly without the corporate limits of any such municipality, the board of registrars shall likewise indicate on such application blank and precinct list whether or not the elector resides within the corporate limits of the municipality, and if so, the name of the municipality in which he resides. In the registration book in which the names of the registered electors are entered in alphabetical order as provided in Section 50, Title 17, Code of Alabama 1940, each person who resides within any municipality of the county shall have recorded opposite his name, the name of the municipality in which he resides.

Section 3. Upon the request of the governing body of any municipality in the county, made by resolution duly adopted and recorded in its minutes, the probate judge of the county shall prepare and maintain the list of registered voters of such municipality separate from the voters in the precinct or precincts in which the municipality lies. Whenever such lists of registered voters are published, the names of the voters residing within the corporate limits of any municipality shall be listed separately from the names of the voters residing within the precinct but without the corporate limits of the municipality.

Section 4. The provisions of this Act are severable. If any part of the

Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: May 22, 29, June 3, and 10th.

JOEL P. SMITH.

Sworn to and subscribed before me this the 15th day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My commission expires Nov. 22, 1970.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1047, 1096, 1068, 1101, 1102, 1103, and 1104. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Graham and Berryman:

H. 1116. Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be intro-

duced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the thirty-fourth judicial circuit may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the district attorney at the sum of not exceeding one hundred fifty dollars per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of Franklin County at the end of each month, or semimonthly at the election of said secretary, such payment to be made on certificate issued by the district attorney of the circuit in favor of such secretary for the respective amounts due each month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me July 17, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Graham and Berryman:

H. 1117. To create and establish an inferior court of record of law and equity in Colbert County, Alabama; to define its jurisdiction; to provide for its officers, their appointment, election, terms of office, powers, duties, authority and compensation; to provide the rules and procedure of said court;

to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Colbert Law and Equity Court; and to abolish the Colbert Law and Equity Court, repealing Act No. 32, H. 162, Regular Session 1947, as amended, and all conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

AN ACT

To create and establish an inferior court of record of law and equity in Colbert County, Alabama; to define its jurisdiction; to provide for its officers, their appointment, election, terms of office, powers, duties, authority and compensation; to provide the rules and procedures of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Colbert Law and Equity Court; and to abolish the Colbert Law and Equity Court, repealing Act No. 32, H. 162, Regular Session 1947, as amended, and all conflicting laws.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for Colbert County, Alabama, an inferior court of law, both civil and criminal, and of equity which shall be called Colbert County Court, and which shall be a court of record, and which shall have and exercise concurrent jurisdiction now conferred or which hereafter may be conferred upon the several circuit courts of the State, provided, however, that in cases at law, the amount involved, exclusive of interest and costs, does not exceed Five Thousand Dollars ($5,000.00) except, however, it is provided that in any civil action filed on the law side where a cross-section, counter-claim, set-off, or plea in recoupment is filed, claiming in excess of Five Thousand Dollars ($5,000.00), exclusive of interest and costs, the court shall have jurisdiction of said action and shall proceed with it to a conclusion, and further provided that the said Colbert County Court shall not have jurisdiction to try persons charged with felonies and shall have criminal jurisdiction which Justices of the Peace formerly had in Colbert County, and shall have concurrent jurisdiction with the Justice of the Peace Courts of Colbert County in all civil matters; and shall also have and exercise such further jurisdiction, authority, functions, and powers as are hereinafter conferred upon it by this Act.

Section 2. A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1970, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(a) Immediately after the effective date of this Act, the Governor shall commission Hon. Jerry M. Vanderhoef as Judge of the Colbert County Court, and the said Jerry M. Vanderhoef shall hold office until his successor is elected or appointed as provided herein.

(b) The judge of said court before entering upon the duties of said office shall take the oath required by law to be taken by the judges of Circuit Courts of Alabama. The said judge shall be a qualified elector of Colbert County, Alabama, shall be learned in the law, shall be a member of the Alabama Bar in good standing and shall not be less than twenty-five years of age. The said judge shall devote his entire time to the duties of his office.

Said judge may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the Judge of said Court shall be filled in the same manner as are vacancies in the office of the Judge of Circuit Courts are filled under the Constitution and Laws of the State of Alabama, now, or as may hereafter be provided.

Section 4. That the Clerk of the Circuit Court of Colbert County, Alabama, shall be ex-offico Clerk of the Colbert County Court and shall have the same powers and discharge the same duties as Clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees, commissions, and compensations as are now, or as may hereinafter be allowed to Circuit Clerks of Alabama, except as hereinafter provided, and the same shall be collected as such fees, commissions, and compensations are collected in the Circuit Courts; except, that in civil matters where suit is brought for One Hundred Dollars or less, and in which the Plaintiff proceeds as if he were in a Justice of the Peace Court, only the fees, commissions and compensations allowed by law to the Justices of the Peace shall be collected, and said Clerk shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court, and that the said Clerk may provide a Deputy Clerk and the said Deputy Clerk shall aid the said Clerk in any duties that may be required of the office and said Deputy Clerk is hereby authorized to issue warrants of arrest on affidavit, returnable to the said Colbert County Court. That the Register of the Circuit Court in Equity shall be ex-officio Register of the Colbert County Court, and shall have the powers and discharge the duties which shall devolve upon the Register of the Colbert County Court; and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and compensations as are now, or as may, hereafter be, allowed to the Register of the Circuit Courts in Equity, and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. The judge shall receive an annual salary equal to an amount of five hundred dollars less than the base annual salary of circuit judges (as set by statute) payable out of the general fund of the county in equal monthly installments as the salaries of county officers are paid.

(a) The judge of said court shall be reimbursed for necessary expenses incurred while attending judicial conferences, continuing legal education seminars, State Bar Association meetings and other necessary meetings while acting in his official capacity as judge of said court, provided however, that said total expenses shall not exceed the sum of five hundred dollars for any one fiscal year. Said expenses shall be paid out of the general fund of the county upon the warrant of the judge of said court.

Section 6. Immediately after the effective date of this Act, the Governor shall commission James A. Patton as Solicitor of the Colbert County Court and the said James A. Patton shall hold office until his successor is elected or appointed as provided by law. The Solicitor for the said court before entering upon the duties of said office shall take the oath required by law to be taken by the Circuit Solicitors of Alabama. The said Solicitor shall be a qualified elector of Colbert County, Alabama; shall be a member of the Bar of Alabama in good standing; shall be learned in the law, and he shall be allowed to continue to practice law while acting as such Solicitor, except that he shall not represent defendants in any criminal cases in any courts in this

State. The duties of said Solicitor shall be those now provided by law for Deputy Circuit Solicitors, and the said Solicitor shall prosecute for the State all causes in the said court; however, in addition to the duties now imposed upon the said Solicitor, he shall perform the following extra, new and additional duties:

(a) He shall carefully read and check the transcript of evidence in all criminal cases appealed from the Colbert County Court to the Court of Appeals or to the Supreme Court of Alabama, including all appeals from Desertion and Non-Support cases, and call to the attention of the trial Judge any errors or discrepancies that may appear in said transcript of evidence.

(b) He shall, whenever requested by the Attorney General of the State of Alabama, file memorandum briefs in all criminal cases appeared from the Colbert County Court to the Court of Appeals or to the Supreme Court of Alabama.

(c) When requested to do so by the Judge he shall attend all hearings on any application for probation, or on any application for suspension of sentence in said Colbert County Court, and furnish the trial Judge, or the Judge hearing the application with all information in his possession concerning the application for probation or suspension of sentence.

(d) When requested to do so by the Judge he shall prosecute in the Colbert County Court all cases of Non-Support and Desertion.

Section 7. Vacancies in the office of the Solicitor of said court shall be filled in the same manner as are vacancies in the office of Circuit Solicitors as provided by the Constitution and Laws of the State of Alabama, now, or as may hereafter be provided. The said Solicitor may be removed from office in the same manner and for the same causes now provided by law for the removal of Circuit Solicitors.

Section 8. That the solicitor of said court shall receive a salary of Six Thousand Dollars per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 9. That the said Colbert County Court shall be held at the court house of Colbert County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply. The judge of said court shall be subject to the same penalties for failure to attend upon the court as are Circuit Judges of this State. The judge of said court shall keep an office in the court house of Colbert County, Alabama, or at such other suitable place as may be provided by the County Commissioners of Colbert County, and it shall be the duty of the Board of Revenue of Colbert County to provide such office and supply the same with all furnishings, fixtures, stationery and other supplies necessary to enable the judge of said court efficiently to conduct the affairs of his office.

Section 10. The Judge of said Court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases in which no jury is demanded, shall be called for trial at least once in each calendar month, and for the trial of civil and criminal cases wherein juries have been demanded there shall be not less than two sessions of court each year, the time of said sessions to be fixed by the court by order entered upon the minutes of

the court. Provided, however, that the court shall have the right and power to call extra-ordinary sessions of said court whenever in the judgment of the court the same are necessary.

Section 11. That all procedure, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the Colbert County Court except as otherwise provided herein, and the judge of said Colbert County Court may, from time to time, adopt and enforce rules to facilitate and expedite the business of the court, not contrary to the law, nor inconsistent with the rules established by the Supreme Court.

Section 12. The Sheriff shall, without additional compensation attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the Circuit Court.

Section 13. That is, for any reason, forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable instanter or within ten days and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 14. That the judge of the Colbert County Court shall adopt a seal for the law side of the docket of the Colbert County Court which shall be kept in the custody and control of the Clerk of the court. The said judge shall also adopt a seal for the Equity side of the Colbert County Court which shall be kept in the custody and control of the register of the court.

Section 15. That all civil cases are to be tried by the court without the intervention of a jury, unless at the time of filing the suit, the Plaintiff shall indorse in writing his demand for a jury trial on the Summons and Complaint, attachment or other process or paper filed by him for the purpose of instituting suit, or by filing a separate written demand with the clerk of the court at the commencement of the suit, or unless the defendant or other party occupying the position of defendant shall demand in writing a trial by jury within thirty days after the perfection of service on him, or unless the claimant shall demand in writing a trial by jury at the time of filing his claim, provided, however, that all civil cases in which Justices of the Peace have concurrent jurisdiction with the Colbert County Court, and in which the Plaintiff proceeds as if he were in the Justice of the Peace Court the defendant or person occupying the position of defendant shall demand in writing a trial by jury within three days after the perfection of service upon him; and provided further that all civil cases involving less than Twenty Dollars, exclusive of costs, shall be tried without the intervention of jury. All misdemeanor cases, except as herein otherwise expressly provided, shall be tried by the court without a jury unless a demand in writing for a jury trial be filed in the cause by the defendant with the clerk of the court on or before the first sounding of the cause after the defendant has been arrested or taken into custody on an affidavit and warrant returnable to the court, or on an indictment returnable to the court, or on other proper process, if the cause is sounded within fifteen days after the defendant has been so arrested or taken into custody; provided, however, that if the cause is not sounded within fifteen days after the defendant has been so arrested or taken into custody, then the defendant must demand a trial by jury in the manner provided within fifteen days after he has been so arrested or taken into custody; and provided further that it shall be deemed a sufficient demand in writing for a trial by jury if

such demand is indorsed on a bond by the defendant either on, or before the first sounding of the cause, or prior to the expiration of fifteen days, whichever occurs first. A failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of a trial by jury.

Section 16. That the Colbert County Court shall have jurisdiction of all causes brought by appeal or certiorari from the judgments of Justices of the Peace, Recorders, or other inferior courts, and the procedure, practice, and rules governing such appeals now, or which hereafter may be adopted, shall be the same as in the cases of appeals from such courts to the Circuit Courts or courts of like jurisdiction; provided, however, that the Colbert County Court shall not have jurisdiction in causes appealed from judgments of Justices of the Peace, Recorders, or other inferior courts where appeal to the Circuit Court only is now, or hereafter may be, provided by law.

Section 17. When the summons, writs of attachment, summons and complaint in attachment, or other process, either in law or equity, has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within the time as now provided for defendants to appear and plead, answer or demur in the Circuit Courts of the State of Alabama in law and in equity; provided, however, that in all cases in which Justices of the Peace have concurrent jurisdiction with the Colbert County Court, and in which the Plaintiff proceeds as if he were in a Justice of the Peace Court, the defendant shall appear and plead, answer or demur within three days from the date of service of process upon him as required by law. If the defendant fails to appear and plead, answer or demur as herein provided, he shall be in default and on motion of the Plaintiff, judgment by default, or a decree pro confesso, may be rendered against him, and said judgment or decree may be set aside in the manner now or which hereafter may be, provided by law. And the court may by rule entered on the minutes of the court, prescribe the time and manner of calling cases for judgment by default or decree pro confesso.

Section 18. That the Colbert County Court shall have exclusive jurisdiction over children and the judge of said Colbert County Court shall be the judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Colbert County Court of all juvenile matters and juvenile jurisdiction in Colbert County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, and appeals in such cases shall be provided by law. The Register in Equity is hereby made the clerk of such Juvenile Court; and said Clerk of the Juvenile Court shall provide the office with such supplies as are necessary to conduct the business of the Court and the costs of said supplies shall be a claim against the county; and the said clerk is hereby authorized to issue warrants of arrest on affidavit, returnable to the said Juvenile Court of Colbert County when requested in cases arising under said Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, and in cases arising in said Juvenile Court by virtue of warrants of arrest on affidavit the said clerk shall subpoena witnesses, assess court costs, and collect said costs in the same manner and way as the same duties are exercised and performed in like cases by the ex-officio clerk of the Colbert County Court, except that no solicitors fee shall be taxed as part of the costs in any case brought before the said Juvenile Court; and the said clerk of the Juvenile Court shall disburse monies so collected in the manner and way as now provided by law.

Section 19. That this court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Section 89 to 104, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be as provided by law. That the judge of said Colbert County Court shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Colbert County Court of all domestic relations matters arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, as amended or as hereafter may be amended.

Section 20. That all jurors for the Colbert County Court shall be summoned from the entire county; that the venire for said court shall consist of not more than 65 jurors drawn as provided by law for the drawing and summoning of jurors for the Circuit Courts of Alabama.

(a) The jurors are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll. However, only one such travel allowance shall be paid a petit juror for attending court pursuant to one summons. His service and travel expenses shall be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate which states therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 21. Prosecutions for misdemeanors committed in Colbert County may be instituted in the said court by making an affidavit before the judge or the clerk of said court, or any duly appointed deputy clerk thereof, the writ on said affidavit to be issued by the judge or clerk of said court, or any duly appointed deputy clerk thereof, and when the defendant is arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant had been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended as now provided for amendment of such papers by Section 347, Title 13, of the Code of Alabama of 1940.

Section 22. The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, injunctions and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided, by law, except as otherwise provided in this Act, shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama unless otherwise provided in this Act.

Section 23. That from and after the passage of this act all fines and forfeitures assessed and collected in said court shall be deposited in the Fine and Forfeiture Fund of Colbert County, Alabama.

Section 24. That claims accruing in the Colbert County Court will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 25. It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the judge or

clerk, or deputy clerk of said court and returnable to said court and if any of said affidavits should be lost or destroyed a certified copy of the said record shall be used the same as the original affidavit and for recording each of said affidavits, the clerk shall receive a fee of Seventy-Five cents to be taxed as Costs in case of defendants conviction.

Section 26. That the Supreme Court and Court of Appeals of this state shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the Judge thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State, except as herein provided for appeals to the Circuit Court. The same rules, regulations and laws applicable to appeals from the Circuit Court to the Supreme Court or Court of Appeals shall govern appeals in all cases from the Colbert County Court to the Supreme Court or Court of Appeals, unless otherwise provided in this Act.

Section 27. Judgments or decrees rendered by the Colbert County Court shall be a lien on the property of the judgment debtor which is subject to levy and sale under execution in the same manner and for the same period of time as is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a judge of probate of a certificate of the said judgment or decree issued by the Clerk or register of the said court as it now, or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be, provided by law.

Section 28. The venue of any case in the said Colbert County Court may be changed to other counties as it is now, or as it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 29. The judge of this court shall secure the services of a competent shorthand writer to attend the terms of this court and report in shorthand all cases tried herein and during the time he or she is actually engaged in reporting and transcribing for the court of the attorneys, he or she is an officer of this court, and he or she shall receive an annual salary equal to an amount of Five Hundred Dollars less than the base annual salary of Circuit Court Reporters (as set by statute) payable out of the general fund of the county in equal monthly installments as the salaries of county officers are paid, provided, however, the judge of this court shall have the right to remove said reporter from his office at his pleasure. In addition to the compensation herein provided for, said reporter shall be entitled to tax and collect from the litigant or his attorneys for whom he is making a transcript of the evidence the sum of ten cents per hundred words for said transcript, and when such transcript is made the reporter shall append thereto his certificate to the correctness of the same as such official reporter. The stenographer's notes shall be preserved and filed as now provided by law in the Circuit Court.

Section 30. That in all civil cases reported by such reporter in this court there shall be taxed and collected as a part of the cost of the case a fee of Five Dollars for each day or fraction thereof, that such reporter shall be engaged in reporting a case, and when collected to be paid by the clerk into the treasury of Colbert County, except that in civil cases involving the sum of One Hundred Dollars or less and where said proceeding is conducted as if it

were in a Justice of the Peace Court, no fee shall be taxed as costs for the services of the reporter.

Section 31. That final judgments rendered in said court shall, after the expiration of thirty days from their rendition be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within thirty days or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statures authorizing applications for rehearing in the Circuit Court.

Section 32. In all criminal matters, causes and proceedings in which Justices of the Peace would have formerly had final jurisdiction the costs and fees taxable shall be the same as were allowed in Justice of the Peace Courts. The usual Solicitor's fees provided in cases in Circuit Courts shall be taxed as a part of the costs in all criminal cases, except in a criminal case where a Justice of the Peace would have formerly had final jurisdiction, in which no solicitor's fee shall be charged, and the said solicitor's fees in those cases where it is taxed as a part of the costs shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Colbert County, Alabama.

Section 33. That the Colbert Law and Equity Court is hereby abolished, and from and after the passage of this Act shall no longer exist and no officers of this State shall collect any fees or salary because of said court and for services rendered in said Colbert Law and Equity Court and all cases pending in said Colbert Law and Equity Court, when this Act becomes a law, shall immediately become pending upon the docket of the Colbert County Court as thought originally brought in said Court, and shall be called for trial on the second Monday in the month following the approval of this Act.

Section 34. That a trial tax of three dollars ($3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Colbert County Court, to be taxed and collected as other costs and when collected, to be paid by the clerk or register of said Colbert County Court, into the general funds of the county as other costs provided, however, that in civil cases at Law where the amount involved is $100.00 or less, and where said proceeding is conducted as if it were in a Justice of the Peace Court, a trial tax fee of only one dollar ($1.00) shall be imposed and collected.

Section 35. That the clerk and register, with the approval of the judge of said court, are hereby authorized and required to purchase all necessary furnishings, records, stationery, and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the judge and signed by the clerk.

Section 36. After the effective date of this Act the Judge of said court shall appoint a Juvenile Probation Officer in accordance with Chapter 7, Title 13, Code of Alabama 1940.

(a) The powers and duties, qualifications, removal, reimbursement for expenses shall be the same as in Chapter 7, Title 13, Code of Alabama 1940.

(b) The Juvenile Probation Officers shall be paid an annual salary of not less than Six Thousand Six Hundred Dollars per annum, minimum, and not more than Ten Thousand Dollars per annum, maximum, and shall start at Six Thousand Six Hundred Dollars per annum and may be raised by the

judge, with the approval of the governing body of said county, as he deems it expedient.

Section 37. The Board of Revenue of Colbert County is hereby authorized and will provide an office in the Court House of Colbert County, Alabama, or at such other suitable place as may be provided by the Board of Revenue of Colbert County, for and to be used by the Solicitor of the Colbert County Court, and it shall be the duty of the Board of Revenue of Colbert County to provide such office with telephone service. The said office space as provided shall be subject to the approval of the said Solicitor of the Colbert County Court.

Section 38. That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act, except as to that clause or section.

Section 39. That all laws, both local and general, in conflict with this Act be and the same are hereby repealed.

Section 40. This Act shall take effect on the first of the month next following the date of its enactment.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COLBERT COUNTY

I, GEORGE A. MORRIS, JR., Editor & Publisher of The Standard & Times, a weekly newspaper published in Sheffield, Colbert County, Alabama, and with a general circulation in Colbert County, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: An act to create and establish an inferior court of record of law and equity in Colbert County as published in The Standard & Times on the days and dates and in the amount of space as here given, as follows: Published June 13, 20, 27; July 4, 1969, Sheffield Ala., July 7, 1969.

/s/ GEORGE A. MORRIS, JR.,
Editor & Publisher of The Standard & Times.

Sworn to before me this 22nd day of July, 1969.

/s/ BRYCE U. GRAHAM,
Notary Public.

Also:

By Messrs. Graham and Berryman:

H. 1118. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said pur-

pose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forefitures in certain cases.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COLBERT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Colbert County, Alabama, by whatever name called, is hereby authorized to establish and maintain a Public Law Library in said County, and to accomplish said purpose, may from time to time, expend such public funds of said County, as are not required by law to be expended for any other purpose or purposes, to provide suitable housing quarters, furniture, fixtures and equipment therefor, to keep the same in a good state of maintenance and repair, and, from time to time, to enlarge, expand and improve such Library, facilities and equipment and, from time to time, to provide such books, reports and periodicals for said Library as are not provided therefor out of the special fund created by this Act or otherwise, and to pay the salaries of an assistant librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the County Depository payable out of appropriate fund or funds.

Section 2. In order to provide a special fund for the maintenance of said Library, there shall be taxed as costs the sum of Two and no/100 ($2.00) Dollars in each Civil or Quasi Civil Action at Law, Suit in Equity, Criminal Case, Quasi Criminal Case, proceeding on a Forfeited Bill Bond or proceeding on a Forfeited Bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Law and Equity Court or to the Circuit Court hereinafter filed in, arising in, or brought by appeal, certiorari or therewise to the Law and Equity Court or to the Circuit Court of Colbert County, Alabama which costs shall be collected as other costs in such cases are collected by the Clerk of said Courts or the Register thereof, as the case may be, and shall be paid to the County Depository of Colbert County, Alabama.

Section 3. The management and control of said Public Law Library shall be vested in a Librarian, and an Advisory Committee. Such Librarian shall be the presiding Judge of the Thirty-first Judicial Circuit. Such Advisory Committee shall consist of two members of the Colbert County Bar. The members of such Advisory committee shall be elected by the county governing body of Colbert County, Alabama, for such term as may be fixed by such governing body. In all matters involving the expenditure of moneys the concurring consent of one member of such Advisory Committee shall be necessary.

Section 4. The sums herein provided to be paid into the County Depository of Colbert County, Alabama, shall be kept in a separate fund designated as "Colbert County Public Law Library Fund" and shall be expended by the Librarian, by and with the consent of the Advisory Committee, for maintaining said Law Library. Said Librarian shall draw warrants on the County Depository for expenditures, indicating on the warrants the fund against which the warrants are drawn. Every warrant drawn by such Librarian shall be countersigned by at least one member of said Advisory Committee. Said fund shall be used primarily to lease or purchase, from time to time, under conditional sales contracts in anticipation of future revenue under this Act or otherwise as the said Librarian may deem expedient, such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the Said Librarian be advisable, but to the extent not so used funds may otherwise be expended for the maintenance of said Library. All books or other property purchased with the funds produced by this Act shall be the property of Colbert County, Alabama, provided, however, that the said Librarian may from time to time, sell at public or private sale or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Librarian may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Librarian. Said Librarian may appoint such assistant Librarian and other personnel as may in his opinion be necessary or proper to operate said Library, and, to the extent that in the opinion of said Librarian the circumstances permit, may require the Clerks of said Court, and/or the Register of said Courts, and/or the official Reporters of said Circuit Court and Law and Equity Court to operate the same or to assist therein, either with or without additional compensation therefor from said fund as the said Librarian shall direct.

Section 5. The said items of cost above referred to shall be designated in said respective Courts as "Public Law Library Fee" and shall be taxed as other costs are taxed in said Courts. On or before the 10th day of each month, the Clerk or other collecting officer of the respective Courts shall pay to the said County Depository the amounts collected for said Public Law Library fees previous to the first day of the month.

Section 6. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Colbert County of violations of the rules of the road, or the laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid into the "Colbert County Public Law Library Fund" of Colbert County, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 7. At the conclusion of 3 years from the date that this act shall become effective, the funds herein above provided to be paid to the "Colbert County Public Library Fund", shall be paid into the fine and forfeiture fund of Colbert County.

Section 8. If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not effect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared George Morris, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor and publisher of the Standard & Times, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1969.

GEORGE MORRIS.

Sworn to and subscribed before me June 23, 1969.

MARTHA ANN NESBITT,
Notary Public.

Also:

By Messrs. Stembridge and Crawford:

H. 1128. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to provide for the compensation of the judge of probate in such counties; to repeal conflicting laws.

Also:

By Messrs. Stembridge and Crawford:

H. 1129. To fix the compensation of the sheriffs of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Also:

By Messrs. Stembridge and Crawford:

H. 1130. Regulating the compensation of registrars of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and providing for payment of additional compensation to them by the county.

Also:

By Messrs. Stembridge and Crawford:

H. 1131. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to fix the minimum and maximum figures for the salary of the deputy sheriffs and all other employees of the sheriff's department in such counties; to authorize the county governing body to prescribe the exact amount of such salaries; to repeal conflicting laws.

Also:

By Messrs. Manley and Pruitt:

H. 1159. Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants of the sheriff.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARENGO

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy and all other deputies of the sheriff of Marengo County whose compensation is paid from the county treasury shall possess all qualifications as to age and residence as may be prescribed by law and in addition each deputy must be a high school graduate with a high school diploma or its equivalent.

Section 2. The chief deputy sheriff of Marengo County shall be paid not less than $510 nor more than $610 a month. The starting salary of the chief deputy shall be $510 per month, which may be increased to $535 after six months and further increased by $25 annually until the maximum is reached.

Section 3. The other two deputies of the sheriff of Marengo County whose compensation is paid by the county shall each be paid a salary of not less than $460 nor more than $560 a month. The starting salary for each of such deputies shall be $460 per month, which may be increased to $485 after six months and further increased by $25 per month annually until the maximum is reached.

Section 4. The jailer for Marengo County shall be paid a salary of not less than $300 nor more than $400 a month, as fixed and determined by the county governing body.

Section 5. Salary raises for the chief deputy and other deputies shall be in the sole discretion of the sheriff. The county governing body shall fix the compensation of each deputy within the limitations prescribed in this Act upon the recommendations of the sheriff.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

THE STATE OF ALABAMA,
MARENGO COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared Goodloe Sutton, who is known to me, and who being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, in Marengo County, Alabama, and that the said Democrat-Reporter is printed in said Marengo County, Alabama, and is of general circulation in said County, and has been mailed under a Second Class mailing privilege at the United States Post Office at Linden, Alabama, regularly each and every week for a period of more than fifty-two (52) consecutive weeks prior to the publication of the Legal Notice, or Advertisement, copy of which is hereto attached, and further that said Legal Notice, or Advertisement, was published in said newspaper, The Democrat-Reporter, for 4 consecutive weeks, to-wit:—in the issues dated: June 19, 1969; June 26, 1969; July 3, 1969; July 10, 1969 and that each of above specified issues was duly circulated among the subscribers of said newspaper.

GOODLOE SUTTON,
Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this, the 21st day of July, 1969.

JEAN R. SUTTON,
Notary Public.

My commission expires March 10, 1971.

Also:

By Messrs. Pruitt and Manley:

H. 1160. To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SUMTER

Notice is hereby given that a bill substantially as follows will be intro-

duced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of York in Sumter County, Ala., are hereby altered, extended, and rearranged so that in addition to the territory presently embraced therein, all of the lands lying within the bounds hereinafter described will lie and be within the boundaries and corporate limits of such city:

Begin at the Southwest corner of the NW ¼ of Section 29, Township 18 North, Range 3 West, Sumter County, Ala., thence run North along the West line of said NW ¼ of Section 29 to the South right of way of Proposed Interstate Highway No. 59; thence run Northeasterly along said South right of way of Proposed Interstate Highway No. 59 to the East line of Section 20, Township 18 North, Range 3 West; thence run South along the East Section Lines of said Sections 20 and 29 to the Southeast corner of NE ¼ of said Section 29; thence run West along the South line of the N ½ of said Section 29 to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dick Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1969.

DICK SMITH.

Sworn to and subscribed before me June 20, 1969.

LOUISE W. HANLEY,
Notary Public.

Also:

By Messrs. Manley and Pruitt:

H. 1161. To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for

the county; providing for the duties, authority, term and compensation of such agent; and requiring bond."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
MARENGO COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent, and requiring bond."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

THE STATE OF ALABAMA
MARENGO COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared Goodloe Sutton, who is known to me, and who being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, in Marengo County, Alabama, and that the said Democrat-Reporter is printed in said Marengo County, Alabama, and is of general circulation in said County, and has been mailed under a Second Class mailing privilege at the United States Post Office at Linden, Alabama, regularly each and every week for a period of more than fifty-two (52) consecutive weeks prior to the publication of the Legal Notice, or Advertisement, copy of which is hereto attached, and further that said Legal Notice, or Advertisement, was published in said newspaper, The Democrat-Reporter, for 4 consecutive weeks, to-wit:—in the issues dated: June 19, 1969; June 26, 1969; July 3, 1969; July 10, 1969 and that each of above specified issues was duly circulated among the subscribers of said newspaper.

GOODLOE SUTTON,
Publisher of the Democrat-Reporter.

Sworn to and subscribed before me this, the 21st day of July, 1969.

JEAN R. SUTTON,
Notary Public.

My commission expires March 10, 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1116, 1117, 1118, 1128, 1129, 1130, 1131, 1159, 1160 and 1161. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Young:

H. J. R. 107. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the committee created by Act No. 219, 1967 Special Session is hereby recreated and reconstituted effective on the date of passage of this resolution, to terminate on the first legislative day of the 1971 regular legislative session. Members of the committee shall serve until the committee terminates.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 107, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Graham and Berryman (W):

H. 1095. Relating to the office of the sheriff of Colbert County; creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COLBERT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the office of the sheriff of Colbert County; creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act the following words shall have the following meaning:

"County" shall mean Colbert County.

"Deputy" shall mean any person deputized and regularly employed by the sheriff of the county, and whether or not such employment is regular employment shall be determined by the court of county commissioners or other like county governing body.

"County governing body" shall mean the existing county governing body of Colbert County or any succeeding governing body of such county.

"Civil service board of appeals" shall mean the board created by this Act.

Section 2. This Act shall apply to all regularly employed deputies of the sheriff, except the chief deputy who shall not be subject to the provisions hereof. Provided, herever, any deputy sheriff who is promoted to the position of chief deputy shall be entitled to the right of reemployment as a deputy upon completion of his term as chief deputy.

Section 3. There shall be created a civil service board of appeals for the purpose of regulating the tenure of employment of certain deputies in the office of the sheriff. Such board shall be composed of the county governing body, including its chairman, and two additional members to be appointed, one of whom shall be appointed by the county governing body and one by the sheriff of the county. One of the two members originally appointed shall serve for a term of four years and one for a term of six years, and they shall draw lots to determine the length of term each shall serve. Thereafter all appointed members shall serve for terms of six years each and until their successors are appointed and qualified. Members of the county governing body, including the chairman, who shall serve on such board during their respective terms of office on the county governing body shall serve without additional compensation.

No person shall be eligible to appointment who holds any civil office of profit under the federal, state, county or city government, or is a candidate for such office. All appointed members shall be bona fide residents and qualified electors of the county, and shall be persons of recognized character and ability. Vacancies on the board shall be filled for unexpired terms in the same

manner as original appointments. Appointed members of the board shall be entitled to receive ten dollars for each day actually served in transacting the business of the board, but no member shall in any case receive more than two hundred fifty dollars ($250) in any one year, such sums to be paid out of the general fund of the county.

Section 4. The civil service board of appeals shall meet in organizational session in the county courthouse within thirty days after this Act shall become effective, at which time it shall elect a chairman from among its members, and shall meet at such other times as the chairman shall designate or on call of any four of its members.

Section 5. No deputy sheriff to whom this Act applies shall engage in partisan politics or make political contributions nor use or attempt to use any political endorsement or favor in connection with his employment as a deputy, nor shall any deputy use or attempt to use any official authority or influence in connection with the vote of political action of any person or for any consideration. Provided, nothing in this Act shall be interpreted to prevent any deputy from exercising his right to express his opinion privately and to cast his vote. No deputy shall be demoted or dismissed from his position or in any way favored or discriminated against with respect to his employment because of his political or religious opinions or affilations.

Section 6. Any deputy, to whom this Act applies, who has been given permanent status may be disciplined through suspension, demotion or dismissal. Before any deputy may be suspended or demoted, he must be given written notice at least five days in advance of such cause of action, and no suspension shall be for more than thirty days duration in any twelve months period.

Section 7. Any deputy, to whom this Act applies, may be dismissed for good cause by giving him written notice of the cause, and such deputy shall have an opportunity within a specified period of not less than seven or more than thirty days to answer the charges made against him and to ask for a hearing before the civil service board of appeals created herein. The board shall thereupon order the charge or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No deputy shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability. If such removal, dismissal or demotion is appealed to the civil service board of appeals, then the same shall become final only after a hearing upon the written charges or complaint has been had, and after an opportunity has been given to the deputy to face his accusers, and to be heard in his own defense. Pending a hearing on said appeal, the affected deputy may be suspended. After such hearing the civil service board of appeals may order such deputy to be reinstated, demoted, removed or discharged or suspended, or take such other disciplinary action as in its judgment is warranted by the evidence and under the law.

Section 8. Charges may be filed by any resident of the county as follows: the charges must be in writing, must set forth succinctly the matter or matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board, such charges are of a minor nature, the charges may

be referred to the sheriff who shall make an investigation and file his recommendations concerning such charges with said board within such time specified by said board as to what disciplinary action, if any, should be taken. After receipt of such recommendation and after due notice is given to the deputy affected, the board in its discretion, may adopt and order executed such recommended action or part thereof, as it deems appropriate. If, however, the complainant or affected deputy, or both, shall object to the recommendation of the sheriff, the civil service board of appeals shall hold a public hearing de novo on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law.

All hearings before the civil service board of appeals shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the affected deputy, is filed with said board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before said board shall be recorded verbatim whenever the complainant or the affected deputy requests that such record be made. In all cases, the decision of the board shall be reduced to writing and entered in the record. Said board shall have power to administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in any hearing or investigation or proceedings within the purview of this Act.

Section 9. Any deputy aggrieved by the decision of the civil service board of appeals may appeal such decision to the circuit court of the county within thirty days from the rendition of the decision. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented. The findings of fact of the civil service board of appeals shall be final and conclusive.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall become affective on July 1, 1970.

PROOF OF PUBLICATION

STATE OF ALABAMA,
COLBERT COUNTY,

Before me, Rebecca G. Blankenship, a Notary Public, in and for said State and County aforesaid, personally appeared Richard S. McGrew Sr., Publisher of The Centreville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in the Colbert County Reporter for 4 successive weeks, as follows: June 12, 19, 26, July 3, 1969; That Colbert County Reporter is a weekly newspaper of general circulation in Colbert County, Alabama; That it is entered in the Postoffice at Tuscumbia, Alabama, 35674, as second-class mailing matter; That it has been published for 52 successive weeks prior to the publication of this legal notice.

RICHARD S. McGREW SR.

Sworn to and subscribed before me, this 10th day of July, 1969.

REBECCA G. BLANKENSHIP.

Also:

By Messrs. Foshee and Jackson (F):

H. 1098. To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENACTED
AN ACT

To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of River Falls in Covington County, Alabama, be and the same hereby so altered, rearranged, extended and fixed as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other contiguous territory in Covington County, Alabama; all of which territory lying and being in Covington County, Alabama, is more particularly described as follows:

All of Section 2, Less and except all land on the East side of U. S. Highway No. 84, lying South of the South line of John Grant Wright fence line in the SE¼ of SW¼ Section 2, Township 4, Range 15; All of Section 3; All of Section 4, and that portion of Section 5 lying East of Adams Creek, all in Township 4 North of Range 15 East. S½ of S½ of Section 27; All of Section 32 lying East of Adams Creek; All of Section 33; all of Section 34; All of Section 35, all in Township 5 North of Range 15 East.

Section 2. This act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ed Dannelly, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Andalusia Star-News, a newspaper of general circulation published in Covington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1969.

ED DANNELLY.

Sworn to and subscribed before me 14 day of July, 1969.

LORA JONES,
Notary Public.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Weeks Kilgore, Waggoner, Meeks, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1074. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, Page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

By Messrs. Dill, Yeilding, Gloor, Jackson (T), Money, Kilgore, Meeks, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1075. To amend further Section 18 of Title 19, of the Code of Alabama of 1940, as heretofore amended by an Act entitled "An Act to amend Section 18 of Title 19 of the Code of Alabama of 1940," Act No. 758, Regular Session of the Legislature of Alabama 1953, (Acts of 1953, Vol. 2, Pages 1020 and 1021), so as to provide for the exemption of cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, from posting bond for right of entry in condemnation appeals from probate court to circuit court.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Weeks, Kilgore, Meeks, Waggoner, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1076. Relating to Jefferson County; providing for the disposal by the county purchasing agent or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; providing for the disposal by the county purchasing agent, or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The county purchasing agent, or other officer performing the duty of the county purchasing agent of Jefferson County, shall have the authority to dispose of contraband or other illegal articles, unclaimed motor vehicles and other articles that come into possession of the sheriff of the county through the performance of the duties of that office where such disposal is not presently authorized by law as hereinafter provided.

Section 2. It shall be the duty of the sheriff, having received possession of any of the articles mentioned in Section 1 of this act, to report the seizure and detention thereof in writing to the district attorney or person performing the duty of district attorney of Jefferson County. It shall be the duty of the district attorney or person performing the duty of the district attorney to file a bill in equity in the circuit court of Jefferson County praying that such articles be forfeited to the state and be sold by the county purchasing agent or person performing the duty of the county purchasing agent and the money received from such sale or sales be paid into the general fund of the county. Such forfeiture and sale shall proceed and be determined in equity in the circuit court of Jefferson County in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided. When any decree of condemnation and sale is made under the provisions of this section the judge or chancellor making such decree shall direct therein the sale of said articles by the purchasing agent of the county, in the event no appeal is taken within fifteen (15) days from the rendition thereof, shall be carried out and executed before the expiration of twenty (20) days from the date of the decree. The court, at its discretion, shall direct in said decree that the costs of the proceedings be paid by the person in whose possession said contraband or other articles were found when seized, or by any party, or parties, who claim to own said contraband or other articles, or any interest therein, and who contested the condemnation and forfeiture thereof, and if such are not collected by execution, the register shall tax and collect such costs from the county and the same shall be paid as in criminal cases in which the state fails, upon the court making an order to that effect.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 14, 21, 28, July 5, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 7th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Weeks, Kilgore, Meeks, Waggoner, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1077. To further amend Section 9 of Act No. 929 of the regular session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the state of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

By Messrs. Dill, Gloor, Jackson (T), Money, Weeks, Kilgore, Meeks, House, Cook (Jefferson), Ellis and Bowers:

H. 1078. To authorize any city having a population of 300,000 or more according to the last or any subsequent federal decennial census, in which said city there shall have been or hereafter shall be created a public building corporation as provided for in Act Number 493, 1955 Acts of Alabama, as now or hereafter amended, to lease or convey to such public building corporation any property which shall have been acquired by such public building corporation as a result of any "Project" after the bonds have been paid in full, notwithstanding Section 21 of said Act Number 493, as same may have been or may hereafter be amended.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Weeks, Kilgore, Meeks, Waggoner, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1079. To further amend Section 23 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579 et seq.), which created for each city having a population of two hundred and fifty thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief or retirement system for officers and employees of such city.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Kilgore, Meeks, Waggoner, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1080. To authorize any County of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, to

reimburse any officer, agent or employee of the County for any taxes which another State, or any County, municipality or political subdivision thereof, exacts from, or charges, such officer, agent or employee when he obtains in such other State lodging, or other facilities or items, which it is necessary for him to obtain in the performance of his duties for the County.

Also:

By Messrs. Dill, Yeilding, Gloor, Jackson (T), Money, Weeks, Kilgore, Meeks, House, Cook (Jefferson), Ellis and Bowers:

H. 1081. Relating to counties having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census; to provide for additional times when real property may be returned and valued for ad valorem tax purposes.

Also:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (T), Money, Weeks, Kilgore, Waggoner, Meeks, House, Cook (Jefferson), Ellis and Bowers:

H. 1082. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq.), which established a policemen's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended.

Also:

By Messrs. Dill, Watkins, Yeilding, Jackson (T), Money, Weeks, Kilgore, Meeks, House, Cook (Jefferson), Ellis, Sessions and Bowers:

H. 1083. To amend further the title, subsection (e) of Section 1, and Section 2 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 et seq.), which established a pension system for the officers and employees of Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN OF AN INTENTION TO APPLY AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1969 FOR ADOPTION OF AN ACT FURTHER AMENDING ACT NO. 497 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1965, APPROVER AUGUST 20, 1965, (ALA. ACTS, 1965, P. 717 ET SEQ.)

An Act entitled "An Act to amend further the Title, Subsection (e) of Section 1, and Section 2 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p 717 et seq.), which Act established a pension system for the officers and employees of Jefferson County, Alabama" will be proposed to the Regular Session of the Legislature of Alabama of 1969. Said Act proposed in substance to include as members of the pension system for officers and employees of Jefferson County, Alabama, the employees of the Library Board of the City of Birmingham, whose duties are performed under the direct supervision of the Library Board, excluding members of such Library Board, and excluding officers elected by the people, and provided that the salary of such persons is paid, directly or indirectly, from the public funds of Jefferson County.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 14, 21, 28, July 5, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 7th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1095 and 1098. To the Committee on Local Legislation No. 1.

H. B.'s 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, and 1083. To the Committee on Local Legislation No. 2.

H. B. 1082. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jones, McLain, Pennington, Grainer and Laxson:

H. 1154. To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be intro-

duced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Register of the Twenty-third Judicial Circuit of Alabama shall be entitled to receive compensation in the form of a salary of Thirteen Thousand ($13,000.00) Dollars per annum.

Such salary shall be in lieu of all other compensation heretofore provided by law, including but not limited to, fees, commissions, allowances, percentages and other charges heretofore paid such official and shall be payable in equal monthly installments out of the General Fund of Madison County.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the Register hereafter shall be collected and paid into the General Fund of Madison County by the 10th day of each month following collection.

Section 3. The Board of County Commissioners, Board of Revenue, or other like governing body of Madison County shall provide the Register with such clerical assistance, quarters, books, stationery, furniture, equipment, postage, travel expenses and such other conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The said Register shall have such clerical assistants and deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such clerical assistants and deputies shall serve at the pleasure of the Register.

On or before August 15 of each year, the Register shall file with the governing body of the County, a detailed estimate, in such form as that body may prescribe, showing by items the anticipated financial requirements for operation of said office during the ensuring fiscal year. The governing body of the County shall adopt its budget not later than the first regular meeting in October each year, and the budget so adopted shall make such provision with respect to the financial operation of the Office of Register as the County governing body may determine reasonable and proper.

Section 4. The provisions of this Act are severable. If any of the Act is declared invalid or unconstitutional shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the appointment of the Register by the Presiding Circuit Court Judge of the Twenty-third Judicial Circuit of Alabama and the term of office of the Register shall be concurrent with the term of office of the Presiding Circuit Judge of the Twenty-third Judicial Circuit of Alabama.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Avery, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Huntsville News, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 21, June 25, July 1, and July 7, all in the year 1969.

CHARLES AVERY.

Sworn to and subscribed before me July 21, 1969.

RALPH H. FORD,
Notary Public.

Also:

By Messrs. Pennington, McLain, Laxson, Jones and Grainger:

H. 1155. To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act No. 289, S. 299, 1953 Acts 354).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act. No. 289, S 299, 1953 Acts 354).

Be It Enacted by the Legislature of Alabama:

Act No. 289 of the 1953 Acts of Alabama, Regular Session, is amended further to read as follows:

Section 1. All Solicitor's or District Attorney's fees hereafter taxed as costs and collected in all criminal cases in Madison County shall be paid by the Clerk of the Court collecting such fees into the treasury of Madison County, Alabama in a fund to be designated the District Attorney's Fund and shall be kept, used and expended in the manner hereinafter provided. Such payment shall be made by the 10th day of each month following collection.

All monies in the Solicitor's Fund at the time of the passage of this Act shall be paid immediately into the District Attorney's Fund and shall be kept, used and expended in the manner hereinafter provided.

Section 2. The Board of County Commissioners shall pay all indebtedness and charges against the Solicitor's Fund which are outstanding and unpaid at the time of the passage of this Act upon the certification of the District Attorney that the charge or indebtedness was extant and current at the time of the passage of this Act.

Section 3. The District Attorney of the Twenty-third Judicial Circuit is hereby authorized to requisition expenditures fore the said District Attorney's Fund for the payment of the following items: (a) office supplies, postage and telephone; (b) necessary expenses relative to obtaining evidence; (c) films, photos and maps; (d) travel expenses at the rate authorized by law for state officials: (e) continuing legal education and conferences; (f) professional dues and assessments; (g) professional books and periodicals for use in the office of the District Attorney of the Twenty-third Judicial Circuit of Alabama; (h) witness fees and transportation costs. The Board of County Commissioners shall pay for such items out of the District Attorney's Fund upon such requisition and upon certification made to the Board of Commissioners by the District Attorney that the funds requested were or are to be used for the purposes enumerated in this section of this Act.

Section 4. The Board of County Commissioners is authorized to make expenditures from the District Attorney's Fund for the defense of indigent defendants in the Madison County Court upon the certification of the Judge of said Court that the defendant was entitled to a defense at public expense in accordance with existing law.

Section 5. On the first day of each and every fiscal year, said fiscal year beginning on the first day of each October and ending the last day of each September, all monies in the District Attorney's Fund which have not been expended as heretofore provided in this Act, shall be transferred to the General Fund of Madison County, Alabama and shall thereafter be expended and used as provided by law.

Section 6. The Chairman of the Board of County Commissioners shall have the power to act for the Board of Commissioners upon the requisitions and in the payment of funds from the District Attorney's Fund.

Section 7. All laws and parts of laws which conflict with this Act are repealed.

Section 8. This Act is severable and if any part hereof is held to be unconstitutional, it shall not be construed to affect those parts which remain.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Avery, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Huntsville News, a newspaper of general circula-

tion published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 21, June 25, July 1, and July 7, all in the year 1969.

CHARLES H. AVERY.

Sworn to and subscribed before me July 18, 1969.

ROBERT L. HODGES,
Notary Public.

Also:

By Messrs. Grainger, McLain, Pennington, Jones and Laxson:

H. 1156. To amend further the act approved July 7, 1965 providing for the creation of a county license department in counties having a population of not less than 115,000 nor more than 165,000 according to the 1960 or subsequent federal decennial census, electing to come under the provisions of said Act (Act 103, S. 222, Regular Session, 1965) by providing for the appointment of a license inspector for such county or counties and to fix his duties and responsibilities.

Also:

By Messrs. McLain, Pennington, Jones, Laxson and Grainger:

H. 1158. To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000 according to the last federal decennial census.

Also:

By Messrs. Ellis, Yeilding, Sessions, Dill, Harris, Meeks, Weeks, Culver, Burgess, Shumate, Starnes, Waggoner, Laxson, Owen (Baldwin), Downing, Melton, Owens (W), Hobbie, Jackson (F), Brannan, Foshee, Agee, Harper, Crane, Graham, Brassell, Higginbotham, Collier, Young, Headley, Lemley, Fine, Robertson, Cook (Jefferson), Manley, Tuck, Burgreen, Stubbs, Berryman (R), McDonald, Williams, Haygood, Pruitt, Watkins, Money, Jackson (T), Gloor, Adwell, Gafford, Holman, Cherner, Bowers, Turnham, Wright, McCorquodale, Edington and Drake:

H. 464. To prohibit the possession of firearms on the property of any private or public school, vocational or trade school or institution of higher learning without a permit from school authorities.

Also:

By Mr. Bowers:

H. 811. To authorize every public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by a municipality or by its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this state in which any part of such water system or systems is situated, without an election, and with or without consideration, to transfer and convey such system or systems and all right, title and interest therein, including without limitation all reversionary, residuary or remainder rights provided by law, to any other public corporation whose certificate of incorporation was filed in the office

of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make the transfer and conveyance or in the office of the Probate Judge of an adjacent county; to require the public corporation proposing to make such transfer and conveyance to make provision for the payment and retirement of any bonds, mortgages, indentures, resolutions or other obligations including revenue bonds or other securities payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed or to require the assumption thereof by the transferee public corporation; to authorize each public corporation and municipality to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to carry out the provisions of the Act; to provide for the publication and posting of a notice of the proceedings taken or to be taken under the Act; to limit the time within which any proceedings may be commenced in any Court with respect to the matters referred to in said notice; to provide that the provisions of this Act shall be cumulative; to provide that all matters authorized in the Act shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body; to provide for the severability of the provisions of this Act; and to provide the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1154, 1155, 1156, and 1158. To the Committee on Local Legislation No. 1.

H. B. 464. To the Committee on Education.

H. B. 811. To the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Jackson (T):

H. 261. To amend Code of Alabama 1940, Title 27, Section 3, which relates to consent to adoption of children; amending such section in relation to the consent required in case of illegitimacy.

Also:

By Messrs. Turnham, Young, McCorquodale, Hardin, Bank and Grainger:

H. 733. To provide for voluntary and temporary or emergency admissions of patients at certain state hospitals and facilities maintained for treatment of the mentally ill, and to repeal conflicting laws.

Also:

By Messrs. Turnham, Sessions, Gloor, Jackson (T), Ellis, Cook (Jefferson), Holman, Weeks, Kilgore, Meeks, Yeilding, Crane, Cherner, Bank, Grainger and McLain:

H. 735. To amend Act No. 310 adopted at the 1967 Regular Session of the Legislature of Alabama, to provide that members of the Board of Directors of the Mental Health Authority need not be residents of the municipality which appoints them, but need only be residents of the area served by the Mental Health Authority.

Also:

By Mr. Downing:

H. 534. To provide for the supervision, management, development, and control of certain State-owned islands in the waters of Alabama.

Also:

By Messrs. Culver, Brannan, Smith, Pennington, Laxson, Brown, Paulk and Turnham:

H. 958. To further amend Chapter 7 of Title 2 of the Code of Alabama of 1940 by amending Sections 672, 674, 675, 676, and 677 relating to requirements for persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural, and tree surgery work; to define such work; to prescribe special requirements for structural pest control work including the annual permit, bond, insurance, training, experience and other requirements; prescribing the powers and duties of the Commissioner of Agriculture and Industries for administration and enforcement of said Chapter 7; and prescribing penalties for violations.

Also:

By Messrs. Edington and Collins (C):

H. 117. To make a supplemental appropriation to the Alabama Historical Commission.

Also:

By Mr. Edington:

H. 728. To amend Act No. 168 (H. 270) Special Session of 1966 relating to the Alabama Historical Commission by increasing the Commission membership from eleven to fifteen persons.

Also:

By Messrs. Collins (C), Hain, Higginbotham, Collins (W), McElhaney, Wood, Grayson, Tuck, Money, Manley, Laxson, Lybrand, Nettles, Harris, Foshee, Owens (W), Jackson (F) and Edington:

H. 108. Proposing an amendment to the Constitution of Alabama providing for annual sessions of the legislature and regulating the length of such sessions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 261. To the Committee on Judiciary.

H. B.'s 733 and 735. To the Committee on Public Health.

H. B.'s 534 and 958. To the Committee on Forestry and Conservation.

H. B. 117. To the Committee on Finance and Taxation.

H. B. 728. To the Committee on Public Buildings and Grounds.

H. B. 108. To the Committee on Constitution and Constitutional Revision and Amendments.

(The above numbered Bill, H. B. 108, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Grayson, Collins (W), Hobbie, Robertson and Brown:

H. 961. To prohibit the use of public state funds for the purposes of conducting courses of study in sex education in the public schools of the State of Alabama, to otherwise provide with reference to courses of study in sex education in the public schools of the State of Alabama, and to provide with respect thereto.

Also:

By Messrs. Jackson (T), Crane and Dill:

H. 260. To amend Section 666 of Title 7 of the Code of Alabama, 1940, as amended, relating to wages and salary of deceased employees.

Also:

By Messrs. Wright, Sessions, Mooney, Starnes, McLain, Brannan, Owen (Baldwin), Malone and Jones:

H. 57. To provide for the depositing of a valid Driver License in lieu of bail for violation of certain traffic laws of incorporated municipalities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 961. To the Committee on Education.

H. B.'s 260 and 57. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith:

H. 562. To designate marble as the official rock of the State of Alabama.

Also:

By Mr. Marr:

H. 816. To provide further for the admission of the mentally retarded to certain state hospitals and facilities.

Also:

By Messrs. Brannan, McCorquodale and Cherner:

H. 841. To fix the salary of the Chief Examiner and the Assistant Chief Examiner.

Also:

By Messrs. Brannan, McCorquodale and Cherner:

H. 842. To provide for assistant legal counsels for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 562. To the Committee on Counties and County Boundaries.

H. B. 816. To the Committee on Public Health.

H. B.'s 841 and 842. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cherner:

H. 458. To provide for safety inspection of bridges on public highways and streets; maintain written reports of safety inspections; posting of safe load limits for bridges; placing barricades for bridges under construction,

under repair and condemned bridges; and maintaining a current inventory of all bridges on the State highway system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 458. To the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bowers, Dill, Jackson (T), Weeks, Meade, Waggoner, Lemley, Holman, Bank, Culver, Robertson, McCorquodale and Meeks:

H. 375. To amend further Code of Alabama 1940, Title 55, Section 305, which relates to the establishment of employment registers under the merit system law for the various classes of positions in the classified service of the State of Alabama, in order to extend the veterans preference therein provided to persons who served honorably in the armed forces of the United States at any time during the period from January 31, 1955, through December 31, 1963, and under certain conditions to the wives and widows of persons who served honorably during this period.

Also:

By Messrs. Manley, Pruitt, Tuck, McCorquodale, Garrett, Agee and Melton:

H. 418. To make a conditional appropriation from the Alabama special educational trust fund in the state treasury to the use of the Alabama Education Television Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 375. To the Committee on Judiciary.

H. B. 418. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hill:

H. 567. To authorize municipalities and county governing bodies to require the inclusion of radioactive fallout protection in new public buildings or structures.

Also:

By Mr. Hill:

H. 566. To provide for inclusion of shelters from radioactive fallout in new public buildings and structures erected in the state wherein the use of state funds are involved, including all public school buildings and structures and buildings or structures of colleges and universities.

Also:

By Mr. Collins (W):

H. 533. To amend Sections 1 and 3 of Act No. 322, General Acts of Alabama 1947, page 212, which pertains to the catching of shrimp for bait during the closed season and for the licensing of persons selling or offering for sale such shrimp.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 567 and 566. To the Committee on Municipalities and Municipal Organizations.

H. B. 533. To the Committee on Fish and Game.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 436. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and providing that the supplemental compensation herein provided, shall be in lieu of any and all other salary supplements heretofore authorized.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Headley, Neville, Springer, Harris and Higginbotham:

H. 21. To amend Code of Alabama 1940, Title 17, Section 45, requiring certain information to be furnished to boards of registrars, so as to require the state registrar of vital statistics to furnish certain monthly death reports to such boards; to provide for identification information on all such reports; and to provide for enforcement of this act and Section 15(2), Title 17, Code of Alabama, 1940, as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 21. To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bolton, Turnham, Bank, Culver, Holladay, Owens (W. E.), Beck, Drake, Downing, Ellis, Lemley, Owen (Baldwin), Young, Harper, Pearson, Cook (Coffee), Garrett, Meade, McElhaney, McLain, Lybrand, Agee, Berryman (W), Blanton, Bowers, Brassell, Brown, Cameron, Collier, Collins (C), Collins (W), Crawford, Edington, Fine, Foshee, Graham, Grainger, Grayson, Hain, Harris, Headley, Higginbotham, Hobbie, Holman, Jackson (F), Jones, Laxson, Lyons, Malone, Marr, Mathews, Mays, McDonald, Meeks, Melton, Merrill, Nettles, Neville, Owens (W), Perloff, Pruitt, Robertson, Sessions, Slate, Smith, Snell, Springer, Starnes, Stembridge, Tuck, Waggoner, Weeks, Williams and Wood:

H. 166. To create an Alabama Recreation Commission; to provide for the members of the Commission, their appointments, qualifications, and terms of office; to provide for the powers and duties of the Commission; to provide for the powers and duties of the Executive Director; to define the terms used in this Act; and to appropriate funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 166. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 535. To provide further for the compensation of the county solicitor or deputy district attorney in all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census.

Also:

S. 537. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

Also:

S. 625. To regulate the compensation payable by the county to the stenographic secretary of the district attorney of any circuit in this state composed of one county having a population of not less than 100,000 nor more than 115,000.

Also:

S. 426. To make a conditional appropriation from the Alabama Special Educational Trust Fund for capital outlay purposes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. McDonald:

H. 990. To amend Section 6 of Act No. 175 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, so as to provide that if at any time any corporation organized thereunder or whose certificate of incorporation has been amended thereunder (regardless of whether it has ever issued any bonds) does not have any bonds outstanding, its Board of Directors may adopt a resolution declaring that such corporation shall be dissolved and that upon the filing for record of a certified copy of such resolution in the office of the Judge of Probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved and title to any property and assets then owned by it shall (except as otherwise provided in Section 7 of said Act No. 175) vest in the municipality which authorized its incorporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 990. To the Committee on Corporations.

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Giles:

S. 764. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

By Mr. Oden:

S. 744. Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

By Mr. Adams:

S. 758. To amend further Act No. 553, H. 145, Regular Session of 1955 (Acts, 1955, p. 1210), which grants to housing authorities and municipalities certain additional powers and authority relative to elimination and prevention of the development of slums and blight, in order to remove the special limitation on the use of such powers by housing authorities and municipalities in Houston County heretofore incorporated by amendment into such Act.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mathews (with substitute):

H. 621. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

By Messrs. Torbert, Vacca, Nabors and Hawkins (with substitute):

S. 520. To provide for the control of air pollution within the State of Alabama; to create and establish an Air Pollution Control Commission; to prescribe the jurisdiction, powers, duties and functions of the Air Pollution Control Commission; to provide for an executive director of the Commission; to provide for the enforcement of the Act and orders, rules and regulations adopted by the Air Pollution Control Commission; prescribing penalties and making appropriations.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Springer et al:

H. 408. To amend Sections 1, 2, 3, and 4 of Act No. 591, H. 140, Page 828, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

By Mr. Leonard:

S. 432. To provide for the appointment of a deputy district attorney for the Twenty-Ninth Judicial Circuit of Alabama, prescribe his powers and duties, fix and provide for payment of his compensation, and regulate his tenure in office.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis et al (with substitute):

H. 513. Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Springer et al:

H. 409. To amend Sections 1, 2, 3 and 4 of Act No. 590, H. 138, Page 827, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

By Mr. Smith:

H. 826. To make an appropriation to the Alabama Institute for Deaf and Blind for Capital Outlay purposes.

By Mr. Springer et al:

H. 410. To provide a state scholarship program to promote the education of nurses at the Lurleen B. Wallace School of Nursing, Jacksonville State University; and making an appropriation therefor.

By Mr. Springer et al:

H. 411. To provide a state scholarship program to promote the education of nurses in the junior colleges of Alabama operated under the jurisdiction of the State Board of Education; and making an appropriation therefor.

By Mr. Springer et al:

H. 412. To authorize and direct the Board of Nursing created under

Act 867, S. 210, Regular Session 1965 (Acts 1965, P. 1615), to contract for and to provide technical assistance and consultant services to the State Board of Education for certain junior colleges engaged in, or to become engaged in, teaching and training professional nurses, establishing procedures for providing such assistance, and making appropriations therefor.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mathews and Springer (with substitute):

H. 622. To make appropriations from the State Treasury for Capital improvements.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith et al:

H. 168. To propose and provide for the submission of an amendment to the Constitution of Alabama to amend Amendment CCLXIX to said constitution proposed by Act No. 274, H. 297, Regular Session 1967 authorizing counties and municipalities to levy and collect additional property taxes for public library purposes, so as to provide further for the rate of the tax and the manner in which elections under this amendment shall be called.

The above bill was read a second time at length as required by the Constitution.

By Mr. Cook (Jefferson) et al:

H. 78. To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

By Mr. Torbert:

S. 524. To amend Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, so as to exempt from the provisions of said Act, and from the computation of the amount of sales tax levied, assessed or payable thereunder, the gross proceeds from the sale of all devices, identifiable parts of devices, systems or facilities used or placed in operation in the State of Alabama, or intended for use or operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the gross proceeds from the sale of all materials used in the State of Alabama, or intended for use in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

By Mr. Torbert:

S. 523. To amend Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, for purposes of computing the franchise tax on foreign corporations, of all amounts invested in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Torbert (with substitute):

S. 521. To amend Section 402 of Title 51 of the Code of Alabama of 1940, as heretofore amended, to provide for the allowance of a deduction, for Alabama corporate income tax purposes, for all amounts invested in devices, parts of devices, systems or facilities used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, to provide for, in lieu of such deduction, the amortization of all such amounts over such period (not exceeding the useful life of the devices, parts, systems or facilities for which such amounts were expended) as shall be specified in the tax return respecting the taxable year during which such amounts were expended and for appropriate deductions of the amounts so amortized, to provide that the taking of any such deductions shall be optional with the taxpayer, to provide that any such deduction, if taken, shall be in lieu of any other allowance for depreciation or obsolescence with respect to such devices, parts, systems or facilities, and to provide that none of such deductions shall be subject to any apportionment or allocation otherwise required and that all thereof shall be allowed in full.

By Mr. Torbert (with substitute):

S. 525. To amend Section 25 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, from the assessed value of the shares of any Alabama corporation for the purpose of taxation of such shares, of the assessed value of all devices, identifiable parts of devices, systems and facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Nabors, Radney and Albea:

S. 747. To authorize Alabama Trade School and Junior College Authority to sell and issue additional bonds for the construction, reconstruction, improvement, alteration, or equipping of junior colleges and trade schools; to provide for the details of said bonds, the execution thereof, the method of

sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely from the revenues of said Authority; to authorize said Authority to pledge for payment of the principal of and interest on said bonds the funds that are appropriated and pledged in this Act for that purpose; to provide that said bonds shall constitute negotiable securities even though payable from a limited source; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to direct the State Treasurer to pay the principal of and interest on said bonds out of the funds so appropriated and pledged; to provide that any portion of this Act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

By Messrs. Branyon, Givhan, Harris, Lolley and Gilmore:

S. 200. To amend further Code of Alabama 1940, Title 22, Section 220, as amended, which pertains to "Executive Secretary and Financial Officer", so as to fix the maximum compensation of the Executive Secretary at $12,500 and to further require a bond in such amount as may be fixed by the Treasurer, not to exceed $12,500, as may be provided by law for public officers.

By Mr. Torbert:

S. 522. To amend Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from ad valorem taxation all devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

By Mr. Torbert:

S. 526. To amend Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt, from the state use tax, the storage, use or consumption of any devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the storage, use or consumption of any materials used primarily for the protection of the public and the public interest through the control, reduction or elimination of air and water pollution.

By Messrs. Branyon and Givhan:

S. 620. Relating to taxation; further defining terms used in administering state sales and use tax laws with respect to commercial fish feed.

By Mr. Givhan:

S. 724. To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Dallas County for the Department of Public Safety.

By Messrs. Bailes, Hawkins, Childs, Morrow, Vacca, McDermott, Gilmore, Pierce, Engel and Dominick:

S. 25. To provide for a statewide reappraisal and revaluation of property for tax purposes in the State of Alabama, to provide for the financing and administration thereof; and to define the functions, powers and duties of the State of Alabama, Department of Revenue and its relationship to county tax assessors and Boards of Equalization under this Act; and to authorize the Department of Revenue to make and promulgate rules and regulations, and provide penalties for violations of the Act.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Headley et al:

H. 19. Relating to the powers and duties of the state personnel director, relieving such officer of the duty of having published the names and addresses of state employees.

By Mr. Lybrand et al:

H. 189. To abolish the office of Securities Commissioner of Alabama and create in lieu thereof the Alabama Securities Commission; to provide for the appointment, powers, duties, authority, term of office and compensation of members of the Alabama Securities Commission; to provide for the appointment of a director of the Securities Commission and to prescribe his qualifications, powers, duties, authority and compensation; to authorize and provide for the employment of a deputy director and other necessary personnel; and to transfer the authority, powers, duties, rights, privileges and immunities heretofore vested in the Securities Commissioner, along with the records, files, furniture and equipment appertaining to such office and any unexpended funds appropriated for the salary of such Commissioner and his assistants and the expenses of administering the Alabama securities law to the Alabama Securities Commission.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lyons et al (with substitute):

H. 798. To amend Act No. 2, H. 47 of the Regular Session of 1945 (Gen. Acts 1945, p. 20), which levies and provides for the collection and distribution of a severance tax on crude oil, gas and other hydrocarbons, so as to preclude municipalities in the State from levying any tax, license or other charge or fee on the production, treating, processing, ownership, selling, buying, storing or marketing of crude oil or natural gas or on the operation or maintenance of any plant, facility or any equipment necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of crude oil or natural gas produced in the State of Alabama; and to authorize and provide for the payment to municipalities

in which oil or gas wells are located of a portion of the severance tax levied by said Act No. 2.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pierce:

S. 749. To amend Section 712, Title 51, Code of Alabama, as amended, relative to the maintenance of the records of motor vehicle registration.

By Mr. Clark:

S. 751. To establish the Alabama Program Development Office; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies and private groups and institutions engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the appointment of the Director of Program Development and the employees of the Alabama Program Development Office; to define the powers and duties of the Alabama Program Development Office; to transfer to the Alabama Program Development Office all the functions, powers, authority and duties and all the books, records, supplies, equipment and personnel heretofore had, exercised, used or employed by the State Planning and Industrial Development Board; to repeal all laws in conflict with this Act.

By Mr. Hawkins:

S. 760. To create a junior college board; to repeal conflicting laws.

By Mr. Hawkins:

S. 761. To grant authority to junior colleges and trade schools to borrow money in anticipation of current revenues and pledge current revenues for payment of such loans if funds are not sufficient to pay teachers' salaries for any given month.

By Mr. Hawkins:

S. 762. To propose an amendment to the Constitution of Alabama to authorize the levying of a special school tax in each county in which a junior college is located for the support of the junior colleges within the county.

The above Bill was read a second time at length as required by the Constitution.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford at al (with substitute):

H. 475. To amend further Act No. 452, H. 974, Regular Session 1955, an act providing for adoption of the mayor-council form of government in cities having populations of more than 300,000.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution, and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 42. Relative to revising and improving the lighting systems in the Senate and House Chambers.

On motion of Mr. Dominick, said Resolution was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution, and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 39. Commending Auburn University for establishing and operating the "Center for Urban and Regional Planning."

On motion of Mr. Torbert, said Resolution was then adopted by the Senate.

RESOLUTIONS

Mr. Stone offered the following Senate Joint Resolution, to-wit:

S. J. R. 68. WHEREAS, the Little River Canyon is one of the extraordinary natural resource features of the State of Alabama, and

WHEREAS, that portion of the State of Alabama in which the Little River is situated exists in proximity to major population and commercial centers of the Southeast, and

WHEREAS, due to a rising standard of living, increased mobility, and shorter working hours, the recreational demands of the citizens of the State of Alabama and of neighboring States are increasing, and

WHEREAS, the Little River exists in an unpolluted and near pristine condition, and

WHEREAS, rivers flowing unimpeded by impoundment and diversions are becoming a rare exception in the State of Alabama and nationwide, and

WHEREAS, the historical values related to the Little River and dating from Hernando DeSoto's exploration in the 16th century are of increasingly wide public interest, and

WHEREAS, many of the extraordinary scenic and natural attributes of the Little River from State Highway 35 downstream through Little River Canyon Mouth County Park are on lands now owned by the State of Alabama, and are included within the DeSoto State Park, and

WHEREAS, there is concurrence in the views of private citizens of Cherokee and DeKalb Counties and conservation and recreation agencies that the values of the Little River, its canyon and surrounding environment, comprise an outstanding and rare natural phenomenon of immeasurable wealth to the citizens of the State of Alabama and their posterity.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is

incumbent upon the people of the State of Alabama to perpetuate and preserve all or portions of the Little River in its mild, scenic, and unimpaired condition as a unique Alabama resource for outdoor recreation purposes.

BE IT FURTHER RESOLVED, that it shall be the public policy of the State of Alabama to protect the Little River resource from deterioration of its irreplaceable natural features and qualities.

BE IT FURTHER RESOLVED, that it shall be the public policy of the State of Alabama to recognize recreation and fish and wildlife as important legal, beneficial uses of the Little River resource.

BE IT FURTHER RESOLVED, that litter, garbage, car bodies, or refuse of any kind shall not be deposited within the canyon of the Little River.

BE IT FURTHER RESOLVED, that those State of Alabama lands and reaches of the river within the DeSoto State Park and south of State Highway 35 bridge through which the Little River flows, be designated a State Wild and Scenic River.

BE IT FURTHER RESOLVED, that appropriate State of Alabama agencies are directed to further study, assess and evaluate the Little River resource, to determine and make recommendations to the Governor and the State Legislature for its preservation and compatible uses. A report of the findings and recommendations shall be made to the legislature by July 1, 1970. The recommendations shall be accompanied by a report showing the proposed area, classification, the characteristics which qualify the river or section of river for designation as a Wild and Scenic River, ownership and use of land in the area, the State agency by which the area should be administered, and the estimated costs of acquiring fee title and scenic easements and of developing and administering the area as a Wild and Scenic River. Such studies may be conducted in cooperation with appropriate agencies of the local government and the United States.

BE IT FURTHER RESOLVED, that it be determined which recreational activities including but not limited to hiking, camping, boating, fishing, sightseeing, and hunting, together with necessary support facilities are consonant with public use and the perpetuation of the existing character of the Little River.

BE IT FURTHER RESOLVED, that appropriate State of Alabama agencies confer with the owners of real property and rights adjacent to or related to the Little River resource to determine what cooperative actions can be taken to protect and enhance and provide for compatible public use of this important natural resource.

On motion of Mr. Stone, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cooper offered the following Senate Joint Resolution, to-wit:

S. J. R. 69. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Patrick Henry State Junior College be named and known as John D. Forte Library, as a fitting tribute to John Dennis Forte who served with honor and distinction as Superintendent of Education of Monroe County.

On motion of Mr. Cooper, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cooper offered the following Senate Joint Resolution, to-wit:

S. J. R. 70. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Science Building at Patrick Henry State Junior College be named and known as Ernest Stone Hall, as a fitting tribute to State Superintendent of Education Dr. Ernest Stone, who has so dedicatedly served the State of Alabama in the promotion and advancement of education, and who, in particular, has given valuable leadership and assistance to Patrick Henry State Junior College.

On motion of Mr. Cooper, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 480. To amend Title 22, Section 256 and Section 258, Code of Alabama 1940, to include a new synthetic equivalent of cannabis (tetrahydrocannabinol) and to revise penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Nabors	
Albea	Dominick	Lindsey	Pelham	
Bailes	Engel	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Goodwyn	McDermott	Skidmore	
Childs	Harris	Morrow	Turner	
Clark	Hawkins			—25

Nays: —0

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 71. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-Sixth Legislative Day only:

BILL NO.	PAGE
HB 673	52
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SB 158	11
SB 160	12
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SB 269	12
SB 441	50
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SB 384	24
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SB 393	50
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SB 605	58
SB 606	58
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SB 725	112
HB 765	98
SB 715	112
SB 286	41
SB 285	20
SB 742	113
SB 415	22
SB 399	36
SB 463	40

Mr. Nabors offered the following amendment to the Resolution, S. R. 71, to-wit:

AMENDMENT TO S. R. 71

Amend S. R. 71 by removing H. B. 673 on page 52 from S. R. 71.

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 21; Nays 11.

Yeas:

Messrs.:	Giles	Lindsey	Radney	
Branyon	Gilmore	McCarley	Stone	
Childs	Givhan	Morrow	Torbert	
Clark	Goodwyn	Oden	Turner	
Cooper	Hawkins	Pelham	Vacca	
Engel	Jackson			—21

Nays:

Messrs.:	Carr	Leonard	O'Bannon	
Albea	Dominick	McDermott	Pierce	
Bailes	Harris	Nabors	Skidmore	
				—11

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 212. To amend further the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965, (Acts of Alabama 1965, p. 1208), so as to authorize the establishment of marketing facilities for additional agricultural products, and to authorize and regulate the sales, alienation and conveyance of markets, market facilities and appurtenances thereto by the Farmers Market Authority; to fix the annual salary of the Administrator of the Farmers Market Authority; to authorize the use of funds collected for capital outlay, maintenance, repairs and operating expenses for markets; and to lengthen the period for which space or facilities at markets may be leased or contracted for; to repeal Act No. 221, H. 178, Legislature of 1969, Special Session, approved May 15, 1969.

Also:

S. 268. To amend Sections 7, 8 and 12 of Act No. 558, Regular Session, 1943, approved July 9, 1943 (Alabama Acts of 1943, page 548 et seq.), by providing for the preparation and use of uniform accident reporting forms.

Also:

S. 426. To make a conditional appropriation from the Alabama Special Educational Trust Fund for capital outlay purposes.

Also:

S. 436. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and providing that the supplemental compensation herein provided, shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

S. 535. To provide further for the compensation of the county solicitor or deputy district attorney in all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census.

Also:

S. 537. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

Also:

S. 625. To regulate the compensation payable by the county to the stenographic secretary of the district attorney of any circuit in this state composed of one county having a population of not less than 100,000 nor more than 115,000.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MOTION TO ADJOURN LOST

At 4:52 P.M., Mr. Cooper moved that the Senate adjourn until Wednesday, August 6, 1969, at 10 o'clock A.M., which motion was lost.

Yeas 2; Nays 22.

Yeas: Messrs. Hawkins and Skidmore —2

Nays:

Messrs.:	Dominick	Lolley	Pelham	
Albea	Folsom	McCarley	Pierce	
Bailes	Giles	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Vacca	
Cooper	Lindsey	Oden		—22

BILLS ON THIRD READING RESUMED

The Bill:

S. 748. Relating to state parks, memorials and historical sites; establishing the Tannehill Furnace and Foundry Commission as a state agency to acquire, renovate, maintain and exhibit the old Tannehill Furnace in the County of Tuscaloosa; and to establish, create, manage, control and operate a state memorial park for the exhibition of this old furnace and the processes of iron making and for other related purposes; prescribing the authority, powers, duties and functions of the commission and its members and officers; forbidding members of the commission or employees thereof to engage in certain dealings with the commission and prescribing penalties therefor; and making an appropriation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Pelham	
Albea	Folsom	Leonard	Pierce	
Bailes	Giles	Lindsey	Radney	
Carr	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Stone	
Clark	Goodwyn	Morrow	Turner	
Cooper	Harris	Nabors	Vacca	
Dominick	Hawkins	Oden		—30

Nays: —0

FURTHER CONSIDERATION OF S. R. 71

The Senate proceeded to further consideration of the Resolution, S. R. 71.

MOTION TO ADJOURN LOST

At 6 o'clock P.M., Mr. Cooper moved that the Senate adjourn until Wednesday, August 6, 1969, at 10 o'clock A.M.

Mr. McDermott moved as a substitute motion that the Senate adjourn until Thursday, August 7, 1969, at 10 o'clock A.M., which motion was lost.

Yeas 4; Nays 23.

Yeas:

Messrs.:				
Bailes	Jackson	McDermott	Skidmore	
				—4

Nays:

Messrs.:	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Clark	Goodwyn	Morrow	Stone	
Cooper	Harris	Nabors	Torbert	
Dominick	Leonard	Oden	Turner	
Engel	Lindsey	Pelham	Vacca	
				—23

The question then recurred on the motion of Mr. Cooper that the Senate adjourn until Wednesday, August 6, 1969, at 10 o'clock A.M., which motion was lost.

Yeas 1; Nays 29.

Yea: Mr. Skidmore —1

Nays:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Childs	Givhan	McDermott	Stone	
Clark	Goodwyn	Morrow	Torbert	
Cooper	Harris	Nabors	Turner	
Dominick	Jackson	Oden	Vacca	
Engel	Leonard			—29

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 342. To provide for city elections on legality of sale and distribution of alcoholic beverages in dry counties; and to exempt certain counties, classified by population, from the operation of the Act.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. R. 71

The Senate proceeded to further consideration of the Resolution, S. R. 71. Mr. Skidmore offered the following amendment to the Resolution, S. R. 71, to-wit:

AMENDMENT TO S. R. 71

Remove the letter and figures "HB 673 - 52" from their present position and insert them below the letters and figures "SB 463 - 40".

MOTION TO ADJOURN LOST

At 7 o'clock P.M., Mr. Cooper moved that the Senate adjourn until Wednesday, August 6, 1969, at 10 o'clock A.M.

Mr. McDermott moved as a substitute motion that the Senate adjourn until Thursday, August 7, 1969, at 11 o'clock A.M., which motion was lost.

Yeas 5; Nays 22.

Yeas:

Messrs.:	Leonard	O'Bannon	Skidmore	
Bailes	McDermott			—5

Nays:

Messrs.:	Folsom	Lindsey	Pierce	
Childs	Giles	Lolley	Radney	
Clark	Gilmore	Morrow	Stone	
Cooper	Givhan	Nabors	Turner	
Dominick	Goodwyn	Oden	Vacca	
Engel	Harris	Pelham		—22

The question then recurred on the motion of Mr. Cooper that the Senate adjourn until Wednesday, August 6, 1969, at 10 o'clock A.M., which motion was lost.

FURTHER CONSIDERATION OF S. R. 71

The Senate proceeded to further consideration of the Resolution, S. R. 71. The question was on the amendment offered by Mr. Skidmore.

MOTION TO ADJOURN LOST

At 8:05 P.M., Mr. Cooper moved that the Senate adjourn until Wednesday, August 6 at 10 o'clock A.M., which motion was lost.

The Chair announced that a quorum of the senate was present.

FURTHER CONSIDERATION OF S. R. 71

The Senate proceeded to further consideration of the Resolution, S. R. 71. The question was on the amendment offered by Mr. Skidmore.

On motion of Mr. McDermott, the amendment offered by Mr. Skidmore was laid on the table.

And the Resolution, S. R. 71, was then adopted by the Senate.

SPECIAL ORDERS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the special, paramount and continuing orders for today, the first of which was the bill:

S. 681. To provide for the regulation of the custom application of pesticides by aircraft and ground equipment by requiring persons engaging in such work to be licensed by the Commissioner of Agriculture and Industries and fixing the license fees; to prescribe the requirements for persons performing such work for compensation to be eligible for a license; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act and to prescribe his duties and authority in connection therewith; to require the filing of a surety bond or a liability insurance policy by persons performing such work together with other regulatory requirements; to provide for exemptions from the requirements of this Act; and to provide enforcement and penalty provisions for violations of this Act.

And said Bill, S. B. 681, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pierce
Albea	Giles	Lolley	Radney
Childs	Gilmore	McDermott	Skidmore
Clark	Givhan	Nabors	Stone
Cooper	Goodwyn	O'Bannon	Torbert
Dominick	Harris	Oden	Turner
Engel	Hawkins	Pelham	Vacca

—27

Nays: —0

The Bill:

S. 743. To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

was taken up.

Mr. McDermott offered the following substitute for the bill, to-wit:

SUBSTITUTE FOR S. B. 743

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 1. Definitions. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following interpretations.

'Domestic water' shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

'Gross receipts' shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Person' shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

'Retail sale' shall mean all sales except those defined herein as wholesale sales.

'Taxpayer' shall mean any person liable for taxes under the provisions of this Act.

'Utility' shall mean every person regularly engaged in furnishing utility services to another person or other persons in the State of Alabama.

'Utility services' shall mean electricity; domestic water; natural gas; telegraph services; and telephone services to subscribers; provided that 'utility services' shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or ei-

ther of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that 'utility services' shall not mean utility services stored, used or consumed by a utility furnishing such utility services.

'Wholesale sale' shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale."

Section 2. That Section 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 5. Exclusions. There are hereby specifically excluded from the gross receipts or gross sales of a utility, upon which the tax herein levied is calculated, all portions thereof derived from the following:

(a) the furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;

(b) the furnishing of utility services which are otherwise taxed under the provisions of Act No. 100 adopted at the Second Extraordinary Session of the 1959 Legislature of Alabama, as amended;

(c) wholesale sales;

(d) the furnishing of electricity, natural gas, or domestic water for use or consumption by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, in or for the direct production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby;

(e) the furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

(f) the furnishing of natural gas to a manufacturer or compounder for consumption or use by such manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

(g) the furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

(h) the furnishing of utility services to the State of Alabama, to the counties of the State of Alabama, to municipal corporations in the State of Alabama, and any agencies thereof.

Section 3. All laws or parts of law in conflict herewith are hereby repealed.

Section 4. Effective date: This Act shall become effective upon its

passage and approval by the Governor or by its otherwise becoming a law, but in no event earlier than September 1, 1969.

Mr. Torbert moved that further consideration of the substitute offered by Mr. McDermott be postponed until the next Legislative Day. On motion of Mr. McDermott, the motion to postpone was laid on the table.

Yeas 18; Nays 8.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Childs	Giles	Leonard	Stone	
Clark	Gilmore	Lolley	Turner	
Cooper	Goodwyn	McDermott	Vacca	
Dominick	Hawkins	Nabors		—18

Nays:

Messrs.:	Folsom	O'Bannon	Radney	
Albea	Harris	Pierce	Torbert	
Carr				—8

The question then recurred on the substitute offered by Mr. McDermott for the Bill, S. B. 743, and on motion of Mr. Torbert, said substitute was laid on the table.

Yeas 16; Nays 14.

Yeas:

Messrs.:	Givhan	Nabors	Pierce	
Albea	Jackson	O'Bannon	Radney	
Carr	Lindsey	Oden	Skidmore	
Cooper	Lolley	Pelham	Torbert	
Giles				—16

Nays:

Messrs.:	Dominick	Harris	Stone	
Bailes	Engel	Hawkins	Turner	
Childs	Gilmore	Leonard	Vacca	
Clark	Goodwyn	McDermott		—14

On motion of Mr. McDermott further consideration of the Bill, S. B. 743, was postponed until the next Legislative Day.

The Bill:

H. 673. To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Convervation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

was taken up.

Mr. Skidmore offered the following amendment to the bill, to-wit:

AMENDMENT TO H. B. 673

Amend H. B. 673 by deleting therefrom in their entirety Sections 1, 2, 3, 4 and 5 of said bill and inserting in lieu thereof the following and renumbering the succeeding sections accordingly:

Section 1. There is hereby created and established a State Forestry Commission, hereinafter referred to as Commission, which Commission shall be composed of seven (7) members to be appointed by the Governor with the advice and consent of the Senate. Two members shall be appointed for a period of one year, two for a period of two years, two for a period of four years and the remaining member for a period of five years. Upon the expiration of said terms, appointments thereafter shall be for a period of five years and until their respective successors in office have been appointed and qualified. At all times at least two of such members shall be licensed and registered foresters under the laws of Alabama. At all times at least three of such members shall be owners of timberland in Alabama.

Which was adopted.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Giles	Leonard	Pelham	
Albea	Gilmore	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Childs	Goodwyn	McDermott	Skidmore	
Clark	Harris	Nabors	Stone	
Cooper	Hawkins	O'Bannon	Torbert	
Engel	Jackson	Oden	Vacca	
				—27

Nay: Mr. Turner —1

Mr. Nabors offered the following amendment to the Bill, H. B. 673, as amended, to-wit:

AMENDMENT TO H. B. 673

As amended:

Amend by deleting Section 11 in its entirety and substituting therefor the following:

"Section 11. There is hereby created a fund in the state treasury to be known as the Alabama Forestry Commission Fund and upon the effective date of this Act, all monies credited to the Division of Forestry of the Department of Conversation other than appropriations from the State General Fund shall be transferred to the Alabama Forestry Commission Fund and administered by the Commission and thereafter all monies cerdited to the Division of Forestry of the Department of Conservation other than appropriations from the State General Fund shall likewise be transferred to the Alabama Forestry Commission Fund and administered by the Commission. Any appropriation or part thereof from the State General Fund to the Division of Forestry of the Department of Conservation may be transferred by the Governor to the Alabama Forestry Commission Fund to be administered by the Commission pursuant to the provisions of this Act."

ADJOURNMENT

At 11:27 P. M., on motion of Mr. Cooper, pending further consideration of the Bill, H. B. 673, as amended, the Senate adjourned until Wednesday, August 6, 1969, at 12:01 A.M.

Yeas 17; Nays 12.

Yeas:

Messrs.:	Giles	Leonard	Oden	
Clark	Gilmore	Lindsey	Pelham	
Cooper	Givhan	Lolley	Stone	
Engel	Goodwyn	Morrow	Turner	
Folsom	Hawkins			—17

Nays:

Messrs.:	Childs	McDermott	Radney	
Albea	Dominick	Nabors	Skidmore	
Bailes	Harris	Pierce	Vacca	
Carr				—12

TWENTY-SEVENTH LEGISLATIVE DAY

WEDNESDAY, AUGUST 6, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Honorable R. Frank Ussery, State Superintendent of Insurance, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
				—35

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Pelham:

S. B. 824. To exempt municipalities from the payment of state excise taxes on purchases of gasoline used for municipal purposes; to provide for certificates of exemption; to provide for persons reporting and paying the tax to the state revenue department to deduct the tax on the number of gallons sold for such purposes as evidenced by such certificates; and to authorize the state revenue department to make such rules and regulations as may be necessary to effect the purposes of the act.

Committee on Finance and Taxation.

By Mr. Albea:

S. B. 825. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

Committee on Local Legislation No. 1.

By Mr. Adams:

S. B. 826. To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
HOUSTON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the 1969 regular session of the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Cottonwood, Houston County, Alabama, be changed to include all of the territory lying within the following described boundaries:

Beginning at the Southwest corner of Section 23, T1N, R27E and running thence North along the west line of said Section 23, and along the west line of Section 14, and along the West line of Section 11 to the Northwest corner of the S½ of N½ of said Section 11, T1N, R27E; thence East along the north line of the S½ of N½ of said Section 11, and along the north line of the S½ of N½ of Section 12 to the Northeast corner of the S½ of N½ Section 12; thence South along the East line of the S½ of N½ of Section 12, and along the East line of Section 13, and along the East line of Section 24 to the southeast corner of Section 24, TIN, R27E; thence West along the south line of said Section 24 and along the south line of Section 23 to the Point of Beginning and embraces all of Sections 13, 14, 23 & 24 and the South ¾ of Sections 11 & 12 all in Township 1 North, Range 27 East.

As thus altered and extended the corporate limits of said town shall include all of the lands lying within the aforesaid boundaries.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wallace Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Director of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 9, July 16, July 23, and July 30, all in the year 1969.

WALLACE MILLER.

Sworn to and subscribed before me July 30, 1969.

GLENDA J. POWELL,
Notary Public.
Houston Co.

By Mr. Cooper:

S. B. 827. To make an appropriation for the relief of Mrs. Hubert P. Gavin, of Camden.

Committee on Finance and Taxation.

By Mr. Radney:

S. B. 828. Relating to counties having populations of not less than 26,000 nor more than 27,000; providing further for the compensation and allowance of the superintendent of education of any such county; and to validate payment of compensation and allowances received by such superintendent of education prior to the effective date of this Act.

Committee on Local Legislation No. 1.

By Mr. Engel:

S. B. 829. Relating to eminent domain; regulating further the condemnation of lands; authorizing and providing for the assessing of consequential damages for injuries or adverse effects on lands not taken but within such close proximity to the lands taken as to be injured or adversely affected by such taking or the use made of such lands; and also providing for inclusion of certain moving expenses as an element of damages resulting from such taking; amending Code of Alabama 1940, Title 19, Section 4, so as to require notice in condemnation proceedings to be served on the owners of certain property other than the land sought to be taken.

Committee on Judiciary.

By Mr. Engel:

S. B. 830. Further regulating the taking of lands and other property through condemnation under the right of eminent domain; providing further for the awarding, measurement and payment of damages and compensation to land or property owners whose lands or property are taken in whole or in part; placing certain duties on condemnors or condemning authorities; and providing that this Act shall be supplemental.

Committee on Judiciary.

By Mr. Folsom:

S. B. 831. To validate amounts expended by the board of revenue, court of county commissioners, or other like governing body, of any county with not less than 42,000 nor more than 46,000 population, according to the last or any subsequent federal decennial census, for gifts to hospital patients of the county, holiday advertisements by the county, premiums paid on bonds of the coroner, and appropriations made to private schools during the period October 1, 1964 through September 30, 1966.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 832. To regulate the compensation of jurors in counties having populations of not less than 15,500 nor more than 16,300.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 833. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 834. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 835. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 836. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. B. 837. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

Committee on Local Legislation No. 1.

By Messrs. Clark, Morrow and Branyon:

S. B. 838. To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or

decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof", so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

Committee on Public Buildings
and Grounds.

By Mr. Engel:

S. B. 839. To prohibit contracts for public works between the State of Alabama and any of its political subdivisions and any foreign corporation or other foreign entity which has not qualified to do business in Alabama in accordance with the provisions of section 21(90) and 21(91) of Title 10, Code of Alabama of 1940; to provide, in addition to any other remedies and penalties, for the enjoining of unlawful doing of business in Alabama by foreign corporations or other foreign entities; to establish the procedure to be followed in such cases; to provide the procedure for issuance of instanter temporary injunctions ex parte in such cases; to provide that injunctions shall issue in such cases without requiring bond; and to provide for filing actions for injunctions in such cases in any circuit court in this state.

Committee on Public Buildings
and Grounds.

By Messrs. Goodwyn and Pierce:

S. B. 840. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 5, Township 15 North, Range 18 East, Montgomery County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MONTGOMERY COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 5, Township 15 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

From the northwest corner of Section 5, T15N, R18E, Montgomery County, Alabama; thence south 01 degrees 46′ E along the west line of said Section 5 a distance of 541.85 feet to the point of beginning; thence N- 88 degrees-00′-E along a line parallel to the north line of said Section 5 to the southwest corner of Lot 2 Block E of the Plat of Seth Johnson Extension, Plat No. 1, as filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 20 on Page 122; thence southeasterly along the south line of said Lot 2 to the northwest corner of Lot 3 Block E of said Plat No. 1; thence easterly along the north line of said Lot 3 to the northeast corner thereof; thence northeasterly across Falcon Lane to the southwest corner of Lot 19 Block C of said Plat No. 1; thence east along the south line of Lots 19, 18, 17, 16, 15, and 14, Block C of said Plat No. 1 to the southeast corner of said Lot 14; thence north along the east line of said Lot 14 to the southwest corner of Lot 13, Block C of said Plat No. 1; thence northeasterly along the south line of said Lot 13 to the southeast corner thereof; thence north along the east line of said Lot 13 to the south line of Woodbridge Drive; thence east along the south line of Woodbridge Drive to a point on the southerly extension of the east line of Lot 5 Block A of said Plat No. 1; thence north along the southerly extension and east line of said Lot 5 to the northeast corner of said Plat of Seth Johnson Estates Extension, Plat No. 1; thence east along the easterly extension of the north line of said Plat No. 1 to the westerly right of way line of Narrow Lane Road; thence southerly along the easterly right of way of Narrow Lane Road to the south line of the north one-half of the north one-half of said Section 5; thence westerly along the south line of the north one-half of the north one half of said Section 5 to the west line of said Section 5; thence northerly along the west line of said Section 5 to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law."

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, Kathleen Oswald a Notary Public in and for said County in said State, personally appeared Guyton Parks who is known to me and who first being by me duly sworn, doth on oath, depose and say:

That he is General Manager of the Alabama Journal a newspaper published in the City of Montgomery, County of Montgomery and State of Alabama; that the foregoing and attached copy of "Legal Notice" appeared in the regular editions of the said newspaper published in the City and County of Montgomery and State of Alabama, on the following dates: July 11, 18, 24 & 31, 1969.

GUYTON PARKS.

Sworn to and subscribed before me this the 1st day of August 1969.

KATHLEEN F. OSWALD,
Notary Public,
Montgomery County, Alabama.

By Mr. Oden:

S. B. 841. Relating to law enforcement in all counties having populations of not less than 21,900 nor more than 22,300, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

Committee on Local Legislation No. 1.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 673. To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

As amended by Mr. Skidmore, which said amendment is set out at length in the Journal of the Senate for the Twenty-Sixth Legislative Day. The question was on the amendment offered by Mr. Nabors, which said amendment is set out in the Journal of the Senate for the Twenty-Sixth Legislative Day. On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 21; Nays 6.

Yeas:

Messrs.:	Gilmore	McDermott	Skidmore	
Childs	Givhan	Morrow	Stone	
Clark	Goodwyn	O'Bannon	Torbert	
Cooper	Leonard	Pelham	Turner	
Engel	Lindsey	Radney	Vacca	
Giles	Lolley			—21

Nays:

Messrs.:	Carr	Harris	Nabors	
Bailes	Dominick	Hawkins		—6

And said Bill, H. B. 673, as amended, was then read a third time at length and passed.

Yeas 20; Nays 6.

Yeas:

Messrs.:	Gilmore	Lolley	Skidmore	
Childs	Givhan	McDermott	Stone	
Clark	Goodwyn	Morrow	Torbert	
Cooper	Leonard	Pelham	Turner	
Engel	Lindsey	Radney	Vacca	
Giles				—20

Nays:

Messrs.:	Dominick	Nabors	Pierce	
Bailes	Harris	O'Bannon		—6

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 72. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-Seventh Legislative Day only:

BILL NO.	PAGE
SB 188	105
HB 360	96
HB 874	69
SB 743	113
HB 564	68
SB 93	17
SB 98	19
SB 338	35
SB 339	55
SB 408	24
HB 226	67

SB 495	50
SB 484	38
SB 146	10
SB 158	11
SB 160	12
SB 162	29
SB 269	12
SB 441	50
SB 45	60
SB 220	73
SB 322	62
SB 398	42
HB 428	48
SB 384	24
SB 390	30
SB 621	72
SB 206	21
SB 393	50
SB 254	34
SB 256	34
SB 257	35
HB 510	68
HB 511	68
HB 824	69
HB 722	88
HB 629	98
SB 714	86
SB 247	106
SB 518	108
SB 604	58
SB 605	58
SB 606	58
SB 607	59
SB 725	112

HB 765	98
SB 715	112
SB 286	41
SB 285	20
SB 742	113
SB 415	22
SB 399	36
SB 463	40

Mr. Bailes offered the following amendment to the Resolution, S. R. 72, to-wit:

AMENDMENT TO S. R. 72

Amend S. R. 72

Strike out SB 398 Page 42

HB 765 Page 98

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Bailes then offered the following amendment to the Resolution, S. R. 72, to-wit:

AMENDMENT TO S. R. 72

Amend S. R. 72

Delete SB 398 Page 42.

Which was adopted.

And said Resolution, S. R. 72, as thus amended, was then adopted by the Senate.

RECESS

At 12:40 A.M., on motion of Mr. Cooper, the Senate took a recess until 12 o'clock Noon.

AFTERNOON SESSION

TWENTY-SEVENTH LEGISLATIVE DAY

WEDNESDAY, AUGUST 6, 1969

The Senate re-assembled at 12 o'clock Noon, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 699. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

Also:

H. 698. To amend Section 6 of Act No. 217, H. 275, approved August 1, 1961, (Acts of Legislature, Regular Session of 1961, Volume 1, pp. 244, et seq.), An Act "To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Also:

H. 465. To authorize any public building corporation heretofore or hereafter organized pursuant to the provisions of Act No. 682 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in any county having a population of 600,000 or more according to the last or any subsequent federal decennial census, to enter into a contract or lease agreement with the county which authorized the organization of such public corporation and any municipality therein, whereunder the obligations of each may be joint or several, or with such county or any such municipality separately, or with any department or agency of either, or with the State of Alabama, or any department or agency thereof, for a maximum period of 20 years.

Also:

H. 468. To authorize any county having a population of 600,000 or more according to the last or any subsequent federal decennial census, to become a party to a contract or lease agreement, solely on its own behalf, or

jointly with any municipality in any such county, whereunder the liability of each may be joint or several, and whereunder the lessor is a public building authority, for a maximum period of twenty (20) years, to provide office space or to pay the expenses of providing office space for the State or County Department of Pensions and Security or any successor to both or either of them in carrying on any program for public welfare assistance.

Also:

H. 467. To provide a comprehensive system of law applicable to any county in this state having a population of 500,000 or more according to the last or any subsequent federal census, defining the powers of any such county to construct improvements consisting of sanitary sewers and sewer facilities with respect to subdivisions located outside the corporate limits of any municipality in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide for supervision of the work; to provide for the levy of betterment taxes and assessments on the property benefited by any improvement; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for any defects or errors therein; to provide for a hearing on the proposed assessments and making the same final; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide a system for appeals from the making of such final assessment; to provide a system for payment of all such assessments and for default in such payments; to authorize lands subject to such liens to be sold in satisfaction thereof and a system for the redemption of such lands after any such sale; to establish a procedure for the termination of any right of redemption; to provide a system for the issuance of notes or bonds to finance any such improvements; to exempt any securities issued hereunder from Chapter 6 of Title 12 of the Code of Alabama of 1940, as heretofore or hereafter amended; to specify requirements with respect to any such notes or bonds; to require public sale thereof with certain exceptions; to provide for the refunding thereof under specified circumstances; to provide that any such bond shall be incontestable after a specified period; to provide that all such bonds and notes and the interest thereon shall be exempt from taxation; to provide for the replacement of lost, destroyed or mutilated bonds and for the refunding of outstanding bonds; to establish sinking fund accounts for the payment of bonds and for the grouping of improvements for a single bond issue; to specify the use of funds received from the said assessments and to establish liability on official bonds for the handling of such funds; to provide for a refund of excess collections in certain circumstances; to grant to any such county the right of eminent domain with respect to improvements; to provide for the effect of annexation or incorporation of an area in which assessments have been made;

to provide for the severability of the provisions of this act and for the repeal of inconsistent laws; and to establish the effective date of this act.

Also:

H. 469. To authorize any public building corporation heretofore or hereafter organized pursuant to the provisions of Act No. 493 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore or hereafter amended, in any municipality having a population of 300,000 or more according to the last or any subsequent federal decennial census, to enter into a contract or lease agreement with the municipality which authorized the organization of such public corporation and the county in which such municipality is located, whereunder the obligations of each may be joint or several, or with such municipality or such county separately, or with any department or agency of either, or with the State of Alabama or any department or agency thereof, for a maximum period of 20 years.

Also:

H. 470. To authorize any city having a population of 300,000 or more according to the last or any subsequent federal decennial census, to become a party to a contract or lease agreement, solely on its own behalf, or jointly with the county within which such municipality is located, whereunder the liability of each may be joint or several, and whereunder the lessor is a public building authority, for a maximum period of twenty (20) years, to provide office space or to pay the expenses of providing office space for the State or County Departments of Pensions and Security or any successor to both or either of them in carrying on any program of public welfare assistance.

Also:

H. 472. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.) as amended, entitled "To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

H. 476. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, Et Seq.), as amended, entitled; "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system".

Also:

H. 599. To amend Section 1 of Act No. 528 of the 1959 Regular Session of the Legislature of Alabama (General Acts of Alabama of 1959, p. 1302–1304), providing for the appointment of a zoning board of adjustment in any city having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Also:

H. 600. To amend Section 9 of Act No. 414 of the Legislature of Alabama of 1947 (General Acts of 1947, p. 304 et seq.) which fixes, levies and requires the payment of a license tax on cigarettes and tobacco products in counties having a population of 400,000 or more according to the last or any subsequent Federal Census.

Also:

H. 601. To amend Section 10 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, p. 1132 et seq.) which fixes, levies and requires the payment of a license tax upon the sale, distribution, delivery, storage or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent Federal Census.

Also:

H. 680. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Also:

H. 809. Regulating further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with a certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

Also:

H. 90. To amend Act No. 863, H. 1061, Regular Session 1965 (Acts 1965, p. 1605), an act to create the Alabama Space Science Exhibit Commission; amending Section 3 of such act so as to exempt certain employees of the Commission from the provisions of the state merit system act, to provide that such employees shall not be eligible to participate in the state's health insurance plan and benefits for state employees or in the state employees' retirement system; and amending Section 8 of such act so as to define further the duties, powers and authority of the commission, specifically with reference to programs for promoting and advertising the exhibits and facilities provided by this act, to purchasing by the commission and to the operation of concessions on the grounds and facilities operated by the commission.

Also:

H. 514. To provide for organizing industrial development corporations; provide for definitions; provide the purpose of such corporations; pro-

vide that such corporations may be organized under the general laws of Alabama, subject to certain limitations; provide that such corporations may borrow money from members and issue securities and evidences of indebtedness and secure same; provide said corporations may make loans, may acquire the good will, business and assets of persons, firms, and corporations and may acquire real estate and use the same for the purposes of the corporation; provide that corporations organized under the laws of Alabama or transacting business in Alabama are authorized to purchase, hold, and dispose of the securities of industrial development corporations; provide that financial institutions are authorized to become members and make loans to such corporations, subject to certain limitations; provide that financial institutions are authorized to acquire the securities and stock of such corporations; provide such corporations shall set aside a portion of earned surplus from year to year as a reserve fund; provide for selecting depositories for funds of such corporations; provide such corporations shall be subject to examination by a certified public accountant and shall file reports with the Secretary of State; provide for the management of such corporations by a board of directors, a president and officers; provide for the dissolution of such corporations; provide that such corporations shall be state development companies as defined in the Small Business Act, of 1958; provide for the payment of annual occupational license tax; provide an effective date.

Also:

H. 678. Proposing a further amendment to Constitutional Amendment CLXXV adopted December 18, 1961 relating to special district taxes for furtherance of education in Jefferson County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 700. Relating to counties having populations of not less than 46,000 nor more than 46,500, according to the most recent federal decennial census; to provide further for expense allowances to the members and clerk of the county governing bodies in such counties.

Also:

H. 703. Relating to cities having populations of not less than 20,500 nor more than 28,000; providing an expense allowance for members of the governing body of such cities.

Also:

H. J. R. 73. Naming the classroom building at Yancey State Junior College, "Ernest Stone Hall".

Also:

H. J. R. 81. Mourning the death of Kenneth L. Spencer, Jr, courageous Patrolman of the Birmingham City Police Department.

Also:

H. J. R. 83. Applauding the mayor, city officials of Eufaula and the Bass Anglers Sportsman Society for the outstanding success of the National Bass Tournament.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 51. Renaming Wenonah State Junior College the Theodore Alfred Lawson Junior College.

Also:

H. J. R. 92. Inviting Dr. Werhner Von Braun to address a joint session of the Legislature on July 29, 1969.

Also:

H. J. R. 93. Invisting Major General Charles W. Eifler, Commanding General of the Army Missile Command at Redstone Arsenal, to be a special guest of the joint session of the Legislature on July 29, 1969.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 922. To alter, rearrange and extend the boundary lines and corporate limits of the City of Jackson in Clarke County, Alabama; to exempt the annexed territory or certain parts thereof from ad valorem taxation by the city under certain conditions and to provide that certain police ordinances will not be effective in the annexed territory or certain parts thereof under certain prescribed conditions.

Also:

H. 907. To authorize the county governing body of Cleburne County to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law and to repeal conflicting laws.

Also:

H. 908. Relating to Cleburne County; authorizing the appointment of sheriff's deputies, and authorizing the county governing body to determine number of deputies and their salaries.

Also:

H. 602. Relating to counties having a population of 600,000 or more according to the last or any succeeding federal census; and to provide for the allocation and distribution between and among said counties and the incorporated municipalities located therein of those portions of the net proceeds from the state gasoline excise tax that are allocated or apportioned to such counties and municipalities therein by Sections 3, 4 and 5 of Act No. 224 adopted at the special session of the Legislature of Alabama of 1967 (Acts of Alabama of 1967, page 295 et seq.); to repeal Act No. 404 adopted at the 1967 Regular Session of the Legislature of Alabama (Acts of Alabama of 1967, page 1017 et seq.) and all other laws or parts of laws in conflict herewith; and to fix the effective date of this act.

Also:

H. 821. To authorize any city of this state having a population of 300,000 or more inhabitants, according to the last or any subsequent federal census to pay hospital bills, doctors' bills, and other medical expenses incurred by any policeman, fireman or other employee of such city or agency thereof in securing treatment of injuries sustained by such policeman, fireman or other employee as a result of and while in the actual performance of his duties as an employee of such city or agency.

Also:

H. 941. For the relief of Bertha Mae Rhodes, individually and as Guardian for Douglas Clell Rhodes and Cathy Ann Rhodes, the widow and minor children of Clell Rhodes, an employee of Jefferson County, who died on September 22, 1965, as the proximate result of injuries sustained while engaged within the scope of his duties as an employee of Jefferson County, and to provide for the payment of Three Thousand Dollars ($3,000.00) for such relief out of such moneys and funds as may be constitutionally available.

Also:

H. 688. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Also:

H. 910. To regulate the compensation payable by the county to the stenographic secretary of the district attorney of any circuit in this state composed of one county having a population of not less than 100,000 nor more than 115,000.

Also:

H. 667. To amend Act No. 491, S. 444 of the Regular Session of 1961 (Acts, 1961 Regular Session, p. 563) which provides for a commission form of government for cities having populations of not less than 60,000 nor more than 70,000 according to the most recent federal decennial census, in relation to the compensation of the chairman and associate members of the commission.

Also:

H. 869. Relating to Perry County; to provide an allowance for clerk hire and expenses for the Circuit Court Clerk of Perry County, Alabama.

Also:

H. 920. Relating to counties having populations of not less than 35,500 nor more than 36,500; to provide further for the compensation of certain bailiffs in such counties.

Also:

H. 921. Relating to Covington County; authorizing the county governing body to make an appropriation for the relief of Ray Bozeman, circuit clerk of said county.

Also:

H. 255. Relating to counties having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census; to provide an additional expense allowance for the chairman or presiding judge and members of the governing body of any such county, payable out of county funds.

Also:

H. 392. To amend Act No. 668, H. 918, Regular Session 1967 (Acts, Regular Session 1967, p. 1493), which provides additional compensation for the official court reporter of the third judical circuit, in order to delete a provision thereof which provides for the expiration of the Act.

Also:

H. 594. Relating to counties having a population of not less than 15,000 nor more than 15,300 according to the most recent federal decennial census; fixing the compensation of the superintendent of education in such counties.

Also:

H. 804. Relating to counties having populations of not less than 46,000 nor more than 46,500; to provide further for the compensation of certain bailiffs in such counties.

Also:

H. 939. To apply only in Counties having populations of not less than 15,000 nor more than 15,300; fixing the fee for issuance of a pistol permit by the Sheriff; and providing for the distribution and use of such fees.

Also:

H. 868. Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama.

Also:

H. 987. Relating to counties having a population of not less than 15,000 nor more than 15,300; to increase the compensation of members of boards of registrars in such counties.

Also:

H. 898. To amend Act No. 109, H. 379, Regular Session of 1951 (Acts 1951, Vol. 1, page 334). To impose extra, new and additional duties upon each member of the Court of County Commissioners of Perry County, Alabama and to provide additional compensation for the performance of such duties, and the method of payment of such compensation.

Also:

H. 946. To provide for the government and control by civil service regulations of certain employees of the sheriff's department of Calhoun County, Alabama, and to provide for a civil service board in said county and to fix its duties, authority, powers, and method of compensation.

Also:

H. 988. Relating to counties having a population of not less than 15,000 nor more than 15,300; to increase the compensation of members of the jury commission in such counties.

Also:

H. 859. Relating to Calhoun County; authorizing municipalities in said county to pay hospital and medical expenses of any municipal employee injured in line of duty.

Also:

H. 945. To alter, rearrange and extend the boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, so as to annex certain territory to the City.

Also:

H. 915. Relating to counties having a population of not less than 96,000 nor more than 106,000; fixing the compensation of the officers of the circuit court in such counties.

Also:

H. 912. Relating to counties having a population of not less than 96,000 nor more than 106,000; providing expense allowances for certain officers in such counties.

Also:

H. 914. Relating to counties having a population of not less than 96,000 nor more than 106,000; increasing the expense allowance of the county judges in such counties.

Also:

H. 913. Relating to counties having a population of not less than 96,000 nor more than 106,000; fixing the compensation of certain officers in such counties.

Also:

H. 872. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 3 and 4, Township 15 North, Range 18 East, and Section 33, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 916. To amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to regulate the Office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census; to authorize the Sheriff to appoint an attorney to advise or represent him; to fix the compensation of said attorney to be paid out of the general fund of the County by the Board of Revenue or like governing body; and providing when this Act shall become effective.

Also:

H. 917. To fix the compensation of the judge of probate of all counties having populations of not less than 150,000 nor more than 300,000 according to the 1960 Federal Census; to require such probate judges to pay into the county treasury all costs and charges of court, fees, and commissions authorized to be collected by such probate judges; to provide that the salary herein prescribed shall not affect any expense allowance heretofore provided; and to repeal conflicting laws, including specifically Act No. 312, H. 580, Regular Session 1963 (Acts 1963, p. 792).

Also:

H. 847. To provide for reimbursing the members of the county governing bodies of all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

Also:

H. 873. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

Also:

H. 969. Relating to all counties having populations of not less than 15,300 nor more than 15,400 according to the most recent federal decennial census; fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.

Also:

H. 896. To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect.

Also:

H. 894. Relating to Washington County; providing for the election of members of the court of county commissioners, board of revenue, or other like governing body of Washington County by the county at large.

Also:

H. 931. To create the Inferior Court of Pike County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Pike County, the County Court of Pike County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

Also:

H. 934. To alter, rearrange and extend the boundary lines and corporate limits of the town of Livingston in Sumter County.

Also:

H. 810. To create a mosquito abatement district in any two contiguous counties of this state having a combined population of not less than 360,000 nor more than 600,000, according to the most recent federal decennial census, for the purpose of controlling and abating mosquitoes and other vectors; to provide a mosquito control board for administrative purposes and to prescribe its authority; to provide for the appointment, number and terms of its members; to authorize the governing bodies of any county, city or town within the district to appropriate public funds for the purposes of this act.

Also:

H. 442. Relating to counties having a population of not less than 10,800 nor more than 12,000 according to the last and any succeeding Federal Decennial Census, providing for the compensation and allowances of members of the county governing body; and to validate actual expenses heretofore paid in performance of their duties outside the county.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 209. To alter or rearrange the boundaries of the City of Greenville, Butler County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

Also:

H. 938. To provide an additional expense allowance for the members of the county board of education of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal census.

Also:

H. 937. To apply to counties having a population of not less than 36,600 and not more than 37,600 according to the last federal decennial census and authorizing the Deputy District Attorney or County Solicitor for said counties a full time secretary and to fix the salary therefor.

Also:

H. 936. To amend Act No. 69, H. 74, Second Special Session 1959 (Acts 1959, p. 238) which establishes the Jackson County Court, in order to regulate further the salary and allowances of the judge of such court.

Also:

H. 935. To provide for the compensation of jurors in Jackson County.

Also:

H. 828. To authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Also:

H. 794. To alter, rearrange, extend and redefine the boundaries and corporate limits of the Town of Ardmore in Limestone County, Alabama.

Also:

H. 694. Relating to Franklin County; providing for reimbursement of actual expenses of travel to members of the board of revenue when traveling out of the county on county business; and providing for retroactive effect of this act.

Also:

H. 244. To amend further Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, p. 45), creating the Cullman County Commission on Education and establishing the office of superintendent of county schools, so as to provide further for the qualifications of said superintendent; repealing conflicting laws.

Also:

H. 933. Regulating and providing for the payment of the compensation of certain deputies of the Sheriff in Autauga County.

Also:

H. 906. To amend the title and Section 2 of Act No. 65, H. 738, Regular Session 1969, approved June 27, 1969, an Act providing for a travel allowance for the chairman and members of the board of revenue in counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census, so as to increase the travel allowance of the chairman.

Also:

H. 976. Relating to all counties having populations of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of the jury commission in such counties.

Also:

H. 977. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; authorizing the county board of education to provide the superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer by the county governing body.

Also:

H. 978. Relating to all counties having populations of not less than 14,500 nor more than 14,900 according to the last or any subsequent federal decennial census; providing for the payment by the county of expense allowances for members of boards of registrars in such counties.

Also:

H. 903. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the county engineer payable from the general funds of the county.

Also:

H. 905. Relating to counties having a population of not less than 20,100 nor more than 21,850, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Also:

H. 904. Relating to counties having a population of not less than 14,500 nor more than 14,900, according to the last or any subsequent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Also:

H. 851. Relating to counties having populations of not less than 14,500 nor more than 14,900; to provide for the qualifications of the superintendent of education in any such county.

Also:

H. 871. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Also:

H. 785. Relating to counties having populations of not less than 38,000 nor more than 45,000; authorizing an appropriation from the treasury of any such county for the relief of Eurell Bailey.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 815. Relating to the Thirty-first Judicial Circuit; extending the powers, authority and duties of the District Attorney of any such Judicial Circuit so as to empower, authorize and require that such District Attorney supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary, in any and all inferior courts located and constituted in the county composing any such judicial circuit; creating the office of deputy District Attorney for any such judicial circuit and prescribing the duties of such office; providing for the mode and manner of the appointment of such deputy District Attorney and for his compensation, and further providing that such compensation shall be paid out of the general fund of the county composing any such judicial circuit; authorizing the District Attorney of such circuit to appoint a stenographic secretary, and providing for the payment of said secretary's compensation from the general funds of the county constituting such circuit; providing for the supplemental compensation of the District Attorney of the 31st Judicial Circuit and that such supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

H. 1023. Relating to counties having a population of not less than 21,850 nor more than 21,950; increasing the salary of the deputy solicitor in such counties.

Also:

H. 1026. Relating to counties having populations of not less than 51,000 nor more than 56,000; authorizing appropriations from the treasury of any such county for the relief of C. F. Pruitt and Quillian Benson.

Also:

H. 1027. Relating to Perry County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Also:

H. 1050. Relating to Barbour County; further regulating the schedule days of meeting of the board of equalization of Barbour County at the two courthouses of the county; providing taxpayers a right as to the place of holding certain hearings, and requiring notice thereof.

Also:

H. 1048. Relating to Barbour County; regulating the compensation of the jury commission, and the clerk thereof.

Also:

H. 959. Relating to the Geneva County Inferior Court; to provide further for the civil jurisdiction of said court.

Also:

H. 960. To amend Act No. 151, H. 190, Special Session 1962 (Acts 1962, Special Session, p. 195) so as to increase the compensation of the judge of the Inferior Court of Geneva County.

Also:

H. 1025. Relating to counties having populations of not less than 24,525 and not more than 24,675; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Also:

H. 1017. To regulate the compensation of jurors in counties having populations of not less than 50,000 nor more than 54,000.

Also:

H. 704. Relating to all counties having populations of not less than 37,000 nor more than 41,000; regulating the compensation of certain officers, providing compensation for clerks, deputies, assistants and secretaries, and providing for operation of their offices.

Also:

H. 705. Relating to all counties having populations of not less than 37,000 nor more than 41,000 according to the most recent federal decennial census, fixing the per diem pay for members of the board of equalization.

Also:

H. 876. To amend further Act No. 394, H. 828, Regular Session 1961, an act providing deputies and assistants for the sheriff of Lee County in relation to the number and compensation of such deputies and assistants.

Also:

H. 1003. To alter, rearrange and extend the boundary lines and corporate limits of the city of Piedmont in Calhoun County.

Also:

H. 930. To apply only in counties having a population of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census; providing for taxing, collecting and remitting circuit court costs by the town or cities located therein, when a case has been appealed from a City Recorder's Court, Mayor's Court, Police Court or any municipal court to the Circuit court in such counties and the appeal is dismissed and case remanded, and when a town or city permits a defendant to pay a fine and cost to the town or city after transcript on appeal is filed in Circuit Court.

Also:

H. 1034. To authorize the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City, to authorize and permit, on behalf of the City of Anniston, Alabama, South Central Bell Telephone Company, its successors and assigns, to construct and maintain a building, or a portion thereof, over and above the alley running north and south in Block 4 as shown on the Anniston City Land Company Map of Anniston, and to construct and maintain a passage-way under said alley, said construction to connect the building now occupied by said Telephone Company on the West side of said alley, or as it may be repaired or altered, with a building to be constructed by it on the east side of said alley; to set forth certain conditions concerning the width of said building, or portion thereof, constructed over and above said alley, the width of said passage-way under said alley, and the height from the top surface of said alley that the bottom of said building, or portion thereof, constructed over and above said alley shall be, in the event such authority and permission is granted by the Board of Commissioners of the City of Anniston, Alabama, or any other governing body of said City; to provide that the City of Anniston, Alabama, shall not be liable or responsible in damages for any injuries to persons, including death, or for any damages to property, arising out of or connected with the construction or maintenance of said building, or portion thereof, or said passage-way; to provide that in the event such authority and permission is granted, all parts of said alley included with the dimensions of said building, or portion thereof, constructed over and above said alley, and all parts of said alley included within the dimensions of said passage-way constructed under said alley shall be expressly vacated, and all rights of the public, including property owners in said Block 4, in said vacated portion of said alley, shall be expressly divested, and that the City of Anniston shall not be liable in damages in any manner by reason of said vacation; and to provide certain other conditions and provisions relative to said Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 84. Relative to certain employees covered under House Joint Resolution 74, Act No. 324 approved September 1, 1955, being eligible for coverage in the Employees' Retirement System of Alabama.

Also:

H. J. R. 62. Expressing regret upon the death of Mrs. Douglas L. Folsom, State Superintendent of Education of the State of Arizona.

Also:

H. J. R. 63. Urging the Governor to proclaim the week of May 24 through 30 of each year as National Memorial Week in honor of the Disabled American Veterans.

Also:

H. J. R. 66. Extending good wishes and welcoming to Alabama Dr. Charles David Hounshell, President of Birmingham-Southern College.

Also:

H. J. R. 67. Soliciting the efforts of all Alabamians and all Marines in supporting the endeavor to perpetuate the memory of Four Star Marine General Holland M. Smith.

Also:

H. J. R. 74. Commending the Geneva County High School Band and its Director, Mr. Norman R. Dasinger, for their splendid performance in the New Orleans Mardi Gras parade.

Also:

H. J. R. 70. Extending congratulations and commending Pat W. Mysinger of Northport for his gallant behavior in aiding a fellow guardsman in an accident.

Also:

H. J. R. 68. Mourning the death of Mr. John Noble Graham.

Also:

H. J. R. 69. Mourning the death of Richard A. Curley of Talladega.

Also:

H. J. R. 91. Expressing regret upon the death of the Honorable Joe Alex Killian, former Director of the International Trade Center at the Port of Mobile.

Also:

H. J. R. 95. Mourning the death of Mr. Robert R. (Bob) Chesnutt.

Also:

H. J. R. 87. Commending Dr. Wernher von Braun and his outstanding team at Huntsville for their achievements in the Space Program.

Also:

H. J. R. 96. Extending best wishes to Mrs. Sara F. Blackerby upon her retirement.

Also:

H. J. R. 97. Designating "Frank Anthony Rose Hall" and "Tommye Stewart Rose Tower" at the University of Alabama in honor of Dr. and Mrs. Rose.

Also:

H. J. R. 98. Commending Clinton B. (Kiki) Smith upon his selection to represent Alabama at Boys' Nation.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 333. Authorizing the Commissioner of Agriculture and Industries, with the approval of the Board of Agriculture and Industries, to establish official grades and standards for the marketing of farm products, fish and seafoods, and to design brands, labels and trademarks in accordance therewith; providing conditions for the use of such brands, labels and trademarks; and prohibiting the misuses thereof; providing for public hearings and publication of certain notices; authorizing said Commissioner, with the approval of the Board of Agriculture and Industries, to establish rules and regulations to implement the purposes of this Act; and prescribing penalties for violations.

Also:

H. 459. Relating to public contracts; providing that a public officer shall not designate the insurance company, agent or broker for insurance in public building or construction contracts.

Also:

H. 529. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their du-

ties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama 1959, p. 1483, and by Act No. 44, General Acts of Alabama 1965, Special Sess., p. 64, and to provide the time when the amendment shall become effective.

Also:

H. 530. To further amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and associate judges of the Court of Appeals, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 979), as amended by Act No. 595, General Acts of Alabama 1959, p. 1484, and by Act No. 43, General Acts of Alabama 1965, Special Sess., p. 63, and to provide the time when the amendment shall become effective.

Also:

H. 901. To validate public hospital associations for public hospital purposes attempted to be organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or amended, where the governing body of a county, a city, or both, has or have authorized the incorporation of such association but where the attempted incorporation is invalid or irregular because of some irregularity in the procedure for incorporation.

Also:

H. 279. To promote safe transportation of pupils to and from schools and in school related activities; to direct the state board of education to prescribe certain rules and regulations designed to promote this purpose; to provide for school transportation managers or supervisors; to prescribe certain equipment for school buses; to provide for safety inspection of school buses; to provide for special training and licensing of school bus drivers; and to prescribe penalties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carr (with notice and proof):

S. 801. To provide that witnesses may be subpoenaed by registered or certified mail in Marshall County under certain conditions.

By Mr. Carr (with notice and proof):

S. 800. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff and his deputies and other employees and providing for the manner of their payment; authorizing the appointment of additional deputies; and repealing conflicting laws, specifically Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119).

By Mr. Carr:

S. 799. Relating to counties having populations not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to increase the compensation of the judge of the County Court in such counties; to repeal conflicting laws.

By Mr. Carr (with notice and proof):

S. 802. To provide for an election to be held to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

By Mr. Carr (with notice and proof):

S. 798. To regulate further the method of summoning jurors in Marshall County; providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

By Mr. McCarley:

S. 770. To create the office of warrant clerk and deputy warrant clerks in all counties having populations of not less than 31,500 nor more than 32,200 according to the most recent federal decennial census; to provide for his appointment, tenure, duties and compensation; and to repeal conflicting laws.

By Mr. Mathews:

H. 1091. Relating to counties having populations of 10,800 or less, according to the last or any subsequent federal decennial census; to fix the compensation of the county solicitor in such counties; to repeal conflicting laws.

By Mr. Stone:

S. 803. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

By Mr. Stone:

S. 820. Relating to counties having a population of not less than 16,150 and not more than 17,250 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

By Mr. Stone:

S. 766. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Mr. Neville (with notice and proof):

H. 1047. To change the method of compensating the sheriff of Barbour County, placing such officer on a salary basis; to provide that the fees, commissions, and allowances provided the sheriff under the general law shall be paid into the county treasury; and to provide that expenses, equipment and assistants necessary to the conduct of the sheriff's office be paid for by the county.

By Mr. Clark:

S. 777. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

By Mr. Stone:

S. 765. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

By Mr. Stone:

S. 804. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

By Messrs. Manley and Pruitt (with notice and proof):

H. 1161. To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond."

By Messrs. Pruitt and Manley (with notice and proof):

H. 1160. To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

By Messrs. Manley and Pruitt (with notice and proof):

H. 1159. Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants of the sheriff.

By Messrs. Graham and Berryman (W) (with notice and proof):

H. 1116. Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

By Mr. Branyon:

S. 767. Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Graham and Berryman (W) (with notice and proof):

H. 1090. Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court, in Equity, and for payment of such clerk's salary by the county.

By Mr. Harris:

S. 813. To propose an amendment to the Constitution of Alabama relating to Morgan County and the City of Hartselle and the City of Decatur, authorizing each of them separately or any two or more of them jointly, to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, to lease, sell, exchange and otherwise convey all or any part of any such projects or sites; and, after an approving bond election, to issue its interest-bearing general obligation bonds therefor; to exempt bonds issued to finance the acquisition of industrial sites from the requirement of an election; to specify the details respecting such bond election; to limit the amount of bonds that said county and said cities may have outstanding under the authority of said amendment; to require, as a condition precedent to the issuance of any such bonds, a lease or other similar agreement providing for the payment to the issuer of such bonds of rentals sufficient to pay the debt service on such bonds; to require the pledge of such rentals for such bonds and to authorize other security for such bonds; to authorize the said county or said cities, as the case may be, if such action is necessary to prevent or cure a default on bonds issued by said county or cities, to levy ad valorem taxes, without limit as to rate or amount and in addition to all other taxes then authorized, on the assessed value of all taxable property therein; to provide that in carrying out the purpose of said amendment neither said county or said cities shall be subejct to the provisions of Section 93 of the Constitution of Alabama; and to provide that said amendment shall be self-executing but that the legislature shall have the power to enact supplemental general, special or local legislation notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Harris:

S. 790. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the judge of the county court; to repeal conflicting laws.

By Mr. Harris (with notice and proof):

S. 786. To authorize the judge of probate of Morgan County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

By Mr. Harris (with notice and proof):

S. 781. To provide for and regulate the employment and the compensation out of the county treasury of a deputy clerk and other assistants to the clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County; and to repeal conflicting laws.

By Mr. Harris (with notice and proof):

S. 782. To amend further section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office, relative to the compensation of the clerical assistants.

By Mr. Harris (with notice and proof):

S. 783. To provide for and regulate the employment and the compensation out of the county treasury of a deputy register and other assistants to the register of the circuit court of Morgan County and the Morgan County Court of Morgan County; and to repeal conflicting laws.

By Mr. Harris (with notice and proof):

S. 784. To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the appointment and compensation of the clerk of the jury commission.

By Mr. Harris (with notice and proof):

S. 785. To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, relative to the compensation of the clerical assistants.

By Mr. Harris:

S. 787. To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury; to repeal conflicting laws.

By Mr. Harris:

S. 788. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for each of the probation officers of the county court; to repeal conflicting laws.

By Mr. Harris:

S. 789. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the court reporter of the county court; to repeal conflicting laws.

By Messrs. Graham and Berryman (with notice and proof):

H. 1118. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

By Messrs. Laxson, Jones, Grainger, McLain and Pennington (with notice and proof):

H. 1148. To provide for the presiding judge, Twenty-Third Judicial Circuit of Alabama.

By Mr. Collier (with notice and proof):

H. 1065. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

By Mr. Radney:

S. 815. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

By Mr. Leonard:

S. 822. Relating to certain payments from the county treasuries of all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; fixing the amount of compensation and expense allowances that may be paid out of the treasury of any such county to certain county officers and their assistants and the amount of supplementary compensation and expense allowances that may be paid therefrom to certain officers of the circuit courts of the circuit in which such county lies.

By Mr. Leonard:

S. 823. Relating to certain payments from the county treasuries of all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; fixing the amount of compensation and expense alowances that may be paid out of the treasury of any such county to certain county officers and their assistants and the amount of supplementary compensation and expense allowances that may be paid therefrom to certain officers of the circuit courts of the circuit in which such county lies.

By Mr. Jones et al (with notice and proof):

H. 1151. To regulate further the excusing of persons from jury service in the Twenty-third Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

By Mr. Torbert:

S. 814. To permit banks now or hereafter situated in counties having a population according to the most recent federal decennial census of not less than 49,500 nor more than 50,500 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the state superintendent of banks.

By Mr. Laxson et al (with notice and proof):

H. 1152. Relating to judicial procedure in the Twenty-third judicial circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

By Mr. Drake (with notice and proof):

H. 1022. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Mr. Drake:

H. 1033. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; to provide for the compensation of the members of the jury commission in such counties.

By Mr. Drake (with notice and proof):

H. 1021. To alter, or rearrange the boundary lines of the City of Cullman, in Culman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Messrs. Graham and Berryman (W) (with notice and proof):

H. 1085. To provide for the City of Tuscumbia, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

By Messrs. Graham and Berryman (W) (with notice and proof):

H. 1095. Relating to the office of the sheriff of Colbert County; creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

By Messrs. Graham and Berryman (W) (with notice and proof):

H. 1117. To create and establish an inferior court of record of law and equity in Colbert County, Alabama; to define its jurisdiction; to provide for its officers, their appointment, election, terms of office, powers, duties, authority and compensation; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Colbert Law and Equity Court; and to abolish the Colbert Law and Equity Court, repealing Act No. 32, H. 162, Regular Session 1947, as amended, and all conflicting laws.

By Mr. Giles (with notice and proof):

S. 808. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

By Mr. Harper (with notice and proof):

H. 1068. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

By Mr. Pennington et al (with notice and proof):

H. 1155. To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act No. 289, S 299, 1953 Acts 354).

By Mr. McLain et al (with notice and proof):

H. 1150. To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

By Mr. McLain et al:

H. 1158. To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000 according to the last federal decennial census.

By Mr. Grainger et al:

H. 1156. To amend further the act approved July 7, 1965 providing for the creation of a county license department in counties having a population of not less than 115,000 nor more than 165,000 according to the 1960 or subsequent federal decennial census, electing to come under the provisions of said Act (Act 103, S. 222, Regular Session, 1965) by providing for the appointment of a license inspector for such county or counties and to fix his duties and responsibilities.

By Mr. Jones et al (with notice and proof):

H. 1147. To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

By Mr. Pennington et al (with notice and proof):

H. 1153. To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

By Mr. Jones et al (with notice and proof):

H. 1154. To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

By Mr. Pennington et al (with notice and proof):

H. 1149. To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

By Messrs. Foshee and Jackson (F) (with notice and proof):

H. 1098. To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

By Messrs. Stembridge and Crawford:

H. 1129. To fix the compensation of the sheriffs of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

By Mr. Pearson:

H. 1103. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide an allowance for the employment of additional clerical assistance by the tax collectors and tax assessors of such counties; to repeal conflicting laws.

By Messrs. Stembridge and Crawford:

H. 1094. Relating to certain county officers in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; providing expense allowances for the probate judge, the tax assessor and the tax collector; and prescribing an effective date and an expiration date for this Act.

By Messrs. Stembridge and Crawford:

H. 1128. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to provide for the compensation of the judge of probate in such counties; to repeal conflicting laws.

By Messrs. Stembridge and Crawford:

H. 1130. Regulating the compensation of registrars of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and providing for payment of additional compensation to them by the county.

By Messrs. Stembridge and Crawford:

H. 1131. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to fix the minimum and maximum figures for the salary of the deputy sheriffs and all other employees of the sheriff's department in such counties; to authorize the county governing body to prescribe the exact amount of such salaries; to repeal conflicting laws.

By Mr. Pearson:

H. 1102. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

By Mr. Pearson:

H. 1101. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to authorize the county governing bodies of such counties to employ the clerks of the circuit courts in such counties to perform certain duties, and to prescribe such duties and to provide for payment of compensation therefor.

By Mr. Jackson:

S. 779. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

By Mr. Hardin (with notice and proof):

H. 1096. Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

By Mr. Neville (with notice and proof):

H. 1104. Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Skidmore and Albea:

S. 797. Relating to consumer credit sales; to regulate further and define the rights of buyers and sellers of certain goods when the sale is made through a home solicitation.

By Messrs. Skidmore and Albea:

S. 796. To declare that businesses charging interest in excess of the legal rate are nuisances; and to authorize and provide for enjoining further operation thereof and the closing out of such businesses.

By Messrs. Skidmore and Albea:

S. 794. To regulate further consumer credit sales; specifically regulating the refinancing of such sales when the original contract provided for a balloon payment.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Torbert (with amendment):

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; to authorize the Superintendent of Banks, entitled under this Act as the Administrator to enforce this Act and to provide penalties for violation; to provide that the Supervisor, Bureau of Loans be designed as Deputy Administrator.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 768. To except bonds issued by a municipality under the provisions of Act No. 4 adopted at the 1956 Second Special Session of the Alabama Legislature, as amended, which Act relates to the promotion of trade by inducing commercial enterprises to locate in this State, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

By Mr. Morrow:

S. 680. To exempt medical clinic boards now or hereafter organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

By Mr. Morrow:

S. 679. To exempt industrial development boards now or hereafter organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Alabama Legislature, as amended, from the laws of the State

of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Skidmore and McCarley (with amendment):

S. 653. Relating to interest and usury; to fix the legal rates of interest and other charges on the loan or forbearance of money, goods and things in action; to provide further for remedies of debtors who have been charged usurious interest, by providing for the collection of punitive damages and of reasonable attorney's fees under certain circumstances; and further defining interest; and to amend Code of Alabama 1940, Title 9, Sections 60 and 65.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

S. 805. To fix the salary of the Clerk of any inferior State or County Court now having two judges in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census and to regulate the payment thereof.

By Messrs. McDermott and Pelham (with notice and proof):

S. 806. To further amend Act No. 216, H. 598, Regular Session 1957 (Acts 1957, Vol 1, p. 273), which relates to Mobile County.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Oden:

S. 757. To amend Section 12 of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330 at p. 334), an Act relating to the construction, maintenance and operation of public hospitals, health centers and related facilities, so as to provide for the leasing of such public hospitals, health centers and related facilities.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hain, Steagall and Blanton:

H. 45. To amend and re-enact Section 619(10) of Title 51 of the Code of Alabama dealing with recordation and taxation of deeds, mortgages, and instruments of like character.

By Mr. Perloff:

H. 119. To amend Section 254 of Title 13 of the Code of Alabama of 1940 which relates to the appointment and compensation of Deputy Solicitors or Deputy District Attorneys of the Thirteenth Judicial Circuit.

By Messrs. Hobbie, Culver, Smith, Harris, Collier, Brown and Jackson (F):

H. 303. To amend further Code of Alabama 1940, Title 22, Section 220, as amended, which pertains to "Executive Secretary and Financial Officer", so as to fix the maximum compensation of the Executive Secretary at $12,500 and to further require a bond in such amount as may be fixed by the Treasurer, not to exceed $12,500, as may be provided by law for public officers.

By Messrs. Collins (M), McCorquodale, Cook (Jeff.), Marr, Cameron, Hobbie, Nettles, Edington, Lyons, Downing and Collins (C):

H. 400. To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary; so as to provide further for his appointment, compensation, qualifications and duties.

By Messrs. Manley, Pruitt, Tuck, McCorquodale, Garrett, Agee and Melton:

H. 418. To make a conditional appropriation from the Alabama special educational trust fund in the state treasury to the use of the Alabama Education Television Commission.

By Messrs. Agee, Brannan, Mays, Turnham, Tuck, Ellis, Shumate, Dobbs, Owen (Baldwin), McCorquodale, Snell, Brassell, Cook (Coffee), Edington and Cherner:

H. 668. To make a supplemental appropriation to the Alabama Historical Commission for the purchase of land at Old St. Stephens in Washington County.

By Messrs. Edington, Grayson, Downing, Lyons, Nettles, Perloff, Wood and Marr:

H. 696. To provide for an exemption from ad valorem taxation of the property owned by the Mobile Carnival Association and parading organizations affiliated with it.

By Messrs. Bassett and Hardin:

H. 803. To provide a state scholarship program to promote the education of nurses at the School of Nursing, Troy State University; and making an appropriation therefore.

By Mr. Collins (W):

H. 870. To provide for a refund of a portion of the state tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in the State of Alabama; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the Commissioner of Revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor.

By Mr. Nabors:

S. 14. To propose an amendment to the Constitution of Alabama to require the allocation and payment of annual taxes, in the amount of sixty-five one-hundredths of one per cent per annum on the assessed value of taxable property in the state heretofore levied by the Legislature, to the governing bodies of the counties wherein the property is situated or required to be assessed, to be used for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Giles:

S. 759. To propose an amendment to the Constitution of Alabama authorizing and providing for the issuance of not more than $4,000,000 in principal amount of general obligation bonds of the State of Alabama for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville and the University of Alabama at Huntsville.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Givhan:

S. 769. To amend Sections 4 and 5 of Act No. 743, H. 150, Regular Session 1957 (Acts 1957, p. 1143), as amended, entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

By Mr. Turner:

S. 775. To make an appropriation for the payment of expenses of the Legislature.

By Mr. Pierce:

S. 780. To further amend Section 54 of Title 45, Code of Alabama 1940, as amended, by providing that a state convict upon being discharged may choose to receive suitable clothing or cash equivalent to same; to delete therefrom any provisions about county convicts; to repeal all laws in conflict.

Mr. Pelham, Chairman of the Standing Committee on Fish and Game, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Collins (W.):

H. 533. To amend Sections 1 and 3 of Act No. 322, General Acts of Alabama 1947, page 212, which pertains to the catching of shrimp for bait during the closed season and for the licensing of persons selling or offering for sale such shrimp.

Mr. Carr, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Downing:

H. 534. To provide for the supervision, management, development, and control of certain State-owned islands in the waters of Alabama.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (Jeff.), Money, Weeks, Kilgore, Meeks, Waggoner, House, Cook (Jeff.), Ellis, Sessions and Bowers (with notice and proof):

H. 1076. Relating to Jefferson County; providing for the disposal by the county purchasing agent, or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

By Messrs. Dill, Yielding, Gloor, Jackson (Jeff.), Money, Kilgore, Meeks, House, Cook (Jeff.), Ellis, Sessions and Bowers:

H. 1075. TO AMEND FURTHER SECTION 18 OF TITLE 19, OF THE CODE OF ALABAMA OF 1940, AS HERETOFORE AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTION 18 OF TITLE 19 OF THE CODE OF ALABAMA OF 1940," ACT NO. 758, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA 1953, (ACTS OF 1953, VOL. 2, PAGES 1020 and 1021), SO AS TO PROVIDE FOR THE EXEMPTION OF CITIES HAVING A POPULATION OF THREE HUNDRED THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, FROM POSTING BOND FOR RIGHT OF ENTRY IN CONDEMNATION APPEALS FROM PROBATE COURT TO CIRCUIT COURT.

By Messrs. Dill, Watkins, Yeilding, Gloor, Jackson (Jeff.), Money, Kilgore, Meeks, Waggoner, House, Cook (Jeff.), Ellis, Sessions and Bowers:

H. 1080. TO AUTHORIZE ANY COUNTY OF THIS STATE HAVING A POPULATION OF 500,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO REIMBURSE ANY OFFICER, AGENT OR EMPLOYEE OF THE COUNTY FOR ANY TAXES WHICH ANOTHER STATE, OR ANY COUNTY, MUNICIPALITY OF POLITICAL SUBDIVISION THEREOF, EXACTS FROM, OR CHARGES, SUCH OFFICER, AGENT OR EMPLOYEE WHEN HE OBTAINS IN SUCH OTHER STATE LODGING, OR OTHER FACILITIES OR ITEMS, WHICH IT IS NECESSARY FOR HIM TO OBTAIN IN THE PERFORMANCE OF HIS DUTIES FOR THE COUNTY.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cook (Jeff.), Dill, Watkins, Yeilding, Gloor, Jackson (Jeff.), Money, Kilgore, Waggoner, Meeks, House, Sessions and Bowers:

H. 1073. TO AMEND SECTION 3 OF ACT NO. 662 OF THE LEGISLATURE OF ALABAMA OF 1951 (GENERAL ACTS OF 1951, PAGE 1132, ET SEQ) WHICH FIXES, LEVIES, AND REQUIRES THE PAYMENT OF A LICENSE TAX UPON THE SALE, DISTRIBUTION, DELIVERY, STORAGE, OR TAKING OUT OF STORAGE OF BEER, LAGER BEER, ALE, PORTER, NEAR BEER OR SIMILAR FERMENTED MALT LIQUOR IN ANY COUNTY HAVING A POPULATION OF 400,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, and had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lybrand et al:

H. 18. Further amending Code of Alabama 1940, Title 34, Section 20; relating to marriage and divorce; making incompatibility of temperament a ground for divorce.

By Mr. Radney:

S. 272. To amend Sections 1 and 2 of Title 27, Code of Alabama 1940, so as to require under certain conditions that a birth certificate shall accompany a petition for adoption, and so as to relieve the Department of Pensions and Security of certain responsibilities in relation to stepparent and other relative adoptions.

By Mr. Turner:

S. 351. To revise and amend Act No. 379, H. 4, 1947 Regular Session, page 271, all of which relates to penalities for operation of motor vehicles upon the highways by persons who are habitual users of narcotic drugs, or who are intoxicated.

By Messrs. Skidmore, Leonard, McCarley, Goodwyn, Folsom, Harris, Lindsey, Giles, Torbert, Givhan and Clark.

S. 517. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Engel (with substitute):

S. 667. To amend Section 89 of Act No. 414, S. 261 Regular Session 1959 (Acts 1959, p. 1055, at p. 1099), known as the "Alabama Business Corporation Act," so as to provide further for contracts of corporations not qualified to do business in this state.

By Mr. Engel (with substitute):

S. 668. To amend Code of Alabama 1940, Title 51, Section 342, relating to contracts of foreign corporations, so as to provide for subsequent validation of certain of such contracts which were void when made.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

S. 712. To provide that any estate in real property may be acquired and held in the name of a partnership or joint venture, to specify the manner in which any estate in real property so acquired and held may be conveyed, and to define certain terms as used herein.

By Mr. Goodwyn:

S. 723. Relating to insurance; prohibiting insurance companies from denying coverage due to failure of the insured to comply with a condition of the policy unless non-compliance is substantially prejudicial to the insuror.

By Mr. Radney:

S. 816. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

By Mr. Cameron:

H. 137. To amend Act No. 866, Regular Session 1965, an act relating to required coverage in motor vehicle bodily injury liability insurance policies or contracts issued or delivered in this State requiring all such policies or contracts of insurance to include a provision insuring the insured and providing to pay the insured such sum as he may be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle and providing for the insured to have the right to reject such coverage.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Mr. Neville (with amendment):

H. 525. To prescribe a rule to apply in the circuit courts and courts of full like jurisdiction in all suits of a civil nature, at law or in equity, when a jury trial is not demanded and a plea in abatement based on improper venue has been filed.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Jackson, Goodwyn, McCarley, Leonard and Radney (with substitute):

S. 674. To regulate further the office of sheriff in this State; to prescribe the annual salaries of sheriffs of the several counties of the state classified on a population basis; to provide for operation of the sheriff's office on a salary basis; to provide for and regulate the collection of sheriffs' fees and the payment thereof into the county treasury; to repeal conflicting laws, general, local and special.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and place on the calendar, to-wit:

By Mr. Oden:

S. 187. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an act providing for appointment and designation of supernumerary circuit judges.

POINT OF PERSONAL PRIVILEGE

Mr. Adams requested and received unanimous consent for the Journal to show that, had he been present on the 26th Legislative Day, he would have voted against reconsideration and passage of H. B. 342.

RESOLUTIONS

Mr. Branyon offered the following Senate Joint Resolution, to-wit:

S. J. R. 73. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of the Pickens county road leading from Carrollton to Gordo, where such county road intersects U. S. Highway 82, be named, designated and known as the Ulie B. Sullivan and R. B. Harris Highway.

RESOLVED FURTHER, That the highway department shall cause appropriate markers to be erected along the route of said highway so designating its name.

On motion of Mr. Branyon, the Rules were suspended and the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 188. To amend Act No. 580, H. 379, Regular Session 1965 (Acts 1965, v. 2, p. 1077) further regulating purchasing by or for the use of the state highway department.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 188, to-wit:

SUBSTITUTE FOR S. B. 188

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 580, H. 379, Regular Session 1965 (Acts 1965, v. 2, p. 1077) further regulating purchasing by or for the use of the state highway department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 580, H, 379, Regular Session 1965, an act further regulating purchasing by or for the use of the state highway department (Acts 1965, v. 2, p. 1077) is hereby amended so as to read as follows:

"All motor fuels, oils, greases, and lubricants bought by or for the state highway department for use in each county in which the construction, maintenance, and repair of the county roads and bridges have been transferred to the state highway department shall be purchased from resident agents or jobbers who have established bulk plants in the county where such motor fuels, oils, greases, and lubricants are to be used, provided that the purchase price of such motor fuels, oils, greases, and lubricants is equal to or less than the state contract price for such purchases. All such purchases shall be made on the basis of competitive bids, and contracts and purchase orders shall be awarded to the lowest responsible bidder as provided by law."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Adams	Engel	Leonard	Oden	
Albea	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	Morrow	Turner	
Childs	Hawkins	Nabors	Vacca	
Cooper				—28

Nays: —0

And said Bill, S. B. 188, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 3.

Yeas:

Messrs.:	Dominick	Hawkins	Morrow	
Adams	Engel	Jackson	Oden	
Bailes	Gilmore	Leonard	Pelham	
Branyon	Givhan	Lindsey	Pierce	
Carr	Goodwyn	Lolley	Radney	
Childs	Harris	McCarley	Skidmore	
				—23

Nays:

Messrs.:	Albea	Nabors	O'Bannon	
				—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Graham:

H. 736. To amend Act No. 695, H. 923, Regular Session 1965, an act creating an inferior court for Franklin County in lieu of the county court, in relation to the qualifications of the Judge of the court.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 695, H. 923, Regular Session 1965, an act creating an inferior court for Franklin County in lieu of the county court, in relation to the qualifications of the Judge of the court.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 3 (a) of said Act No. 695, Regular Session 1965, is hereby amended to read as follows:

"(a) The judge of the court shall be learned in the law and a resident citizen and qualified elector of Franklin County at the time of his appointment or election, and shall reside in the county during his continuance in office."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. This amendatory Act shall not affect proceedings that were commenced before its effective date.

STATE OF ALABAMA,
FRANKLIN COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, publisher of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of February 8, 1968 and ending with the issue of February 29, 1968.

Subscribed and sworn to before me, this the 10th day of June 1969 at Russellville, Ala.

CLAUDE E. SPARKS.
Publisher.

MAE G. STREIT,
Notary Public.

My commission expires February 11, 1970.

Also:

By Mr. Steagall:

H. 827. To alter, rearrange and extend the boundary lines and corporate limits of the town of Level Plains in Dale County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Level Plains in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Level Plains in Dale County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, a tract of land more particularly described as follows:

In Section 19, Township 4 North, Range 23 East: The Southwest quarter of the Northeast quarter; the West half of the Northwest quarter of the Southeast quarter.

In Section 20, Township 4 North, Range 23 East: The East half of the Southwest quarter; the North half of the Southeast quarter.

In Section 21, Township 4 North, Range 23 East: The Northwest quarter of the Southwest quarter and the Northeast quarter of the Southwest quarter.

In Section 29, Township 4 North, Range 23 East: The Northwest quarter.

In Section 30, Township 4 North, Range 23 East: The East half of the Southeast quarter of the Northeast quarter; and the East half of the Northeast quarter of the Northeast quarter.

All of the above described land lying and being situated in Dale County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by a majority of the qualified electors owning property within that part of the territory hereinabove described which is not presently included within the corporate limits of the town of Level Plains, voting in a referendum election to be held on a day designated by the Mayor of Level Plains not less than 10 nor more than 30 days from the date of this enactment. Notice of the election shall be given by publication of such notice in one issue of a newspaper of general circulation in Dale County, Alabama, and by posting such notice in two public places in Level Palins, Alabama, for three days prior to such election. The question shall be on the adoption of Act No. .....of the 1969 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the town of Level Plains in Dale County. The town of Level Plains shall provide the place of election and ballots therefor on which shall be written or printed the words "Do you favor the adoption of Act. No. ..... of the 1969 Regular Session of the Legislature, which alters, rearranges, and extends the corporate limits of the town of Level Plains?" If the voter desires to vote for the adoption of said Act such voter shall write on the ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written on his ballot. The town of Level Plains shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this Act shall become operative immediately. If the majority are "No" this act shall have no further effect. The town clerk of Level Plains shall certify the result of the election to the secretary of state.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John Q. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of

Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1969.

JOHN Q. ADAMS.

Sworn to and subscribed before me June 19, 1969.

VIRGINIA J. BROADHURST,
Notary Public.

Also:

By Messrs. Haygood and Hill:

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

TRACT A. Parts of the Southeast Quarter of Section 36, Township 2, Range 11 West, and the Northeast Quarter of Section 1, Township 3, Range 11 West, more particularly described as follows: Beginning at a point where the center line of Bellview Road intersects the center line of Hough Road; thence South 63°0′ West for 368.5 feet; thence East for 466.0 feet; thence North 15°30′ West for 237.0 feet to the center line of Hough Road; thence South 63°0′ West for 90.6 feet to the point of beginning.

TRACT B. Part of the East ½ of Section 7, Township 3 Range 10 West, beginning at a point where the West line of the East ½ of said Section 7 intersects the North shore line of the Florence Canal; thence North to the South boundary of Section 6, Township 3, Range 10 West; thence East to the Northeast corner of said Section 7; thence South to the 505-foot contour line of Lake Wilson and continue South with the East line of said Section 7, crossing a slough to the 505-foot contour line on the Westwardly side of said slough; thence Southwardly and Southwestwardly with said 505-foot contour

line to Lake Wilson; thence Westwardly with the meandering of the North shore line of Lake Wilson and Florence Canal to the point of beginning.

TRACT C. Beginning at the Southwest corner of Section 26, Township 2 South, Range 11 West; thence North to the intersection with Old Chisholm Road; thence Southwardly meandering with the center-line of Old Chisholm Road to the South line of said Section 26; thence West to the Southwest corner of said Section 26 and point of beginning.

TRACT D. Beginning at a point 350 feet East and 40 feet South of the Northwest corner of the Northwest ¼ of the Northeast ¼ of Section 28, Township 2 South, Range 11 West; thence East for 610 feet; thence South 200 feet to the existing City Limits; thence West along the present City Limits line a distance of 610 feet; thence North 200 feet to the point of beginning.

TRACT E. Beginning where the East line of the West ½ of Section 4, Township 3 South, Range 11 West intersects the center line of Cypress Creek; thence South to the South line of said Section 4; thence East 1320 feet; thence South 1320 feet; thence West to the center line of Cypress Creek; thence meandering upstream with the said Cypress Creek through the North ½ of Section 9, Township 3 South, Range 11 West, the Southwest ¼ of Section 4, Township 3 South, Range 11 West, Section 5, Township 3 South, Range 11 West, and the Northwest ¼ of Section 4, Township 3 South, Range 11 West to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Charles A. Spence, Advertising Manager of Florence Times Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE—Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit: To extend, altar, and rearrange the boundaries and corporate limits, City of Florence, as published in Florence Times Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 29; June 4, 11, 18, 1969.

Florence, Ala., June 18, 1969.

CHARLES A. SPENCE,
Advertising Manager of Florence
Times Tri-Cities Daily.

Sworn to before me this 18th day of June, 1969.

WALLACE E. OWEN, JR.,
Notary Public,
State at large.

My Commission expires 12/13/72.

Also:

By Messrs. Hill and Haygood:

H. 923. Relating to the office of sheriff of Lauderdale County; providing further for the operation of such office; making further provisions respecting the number and employment of deputies and assistants for such officer; providing for their compensation; and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the office of sheriff of Lauderdale County; providing further for the operation of such office; making further provisions respecting the number and employment of deputies and assistants for such officer; providing for their compensation; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of the deputies and assistants heretofore authorized by law the sheriff of Lauderdale County shall appoint:

(a) one chief deputy and not less than eight nor more than thirteen deputies in addition to the chief deputy. The chief deputy shall receive not less than $550 nor more than $750 monthly and each other deputy shall receive not less than $500 nor more than $650 monthly;

(b) one or more secretaries, at the discretion of the county governing body, who may be deputies but shall not be included in the number of deputies authorized in subsection (a) above. Such secretary, or secretaries shall receive not less than $400 nor more than $500 monthly;

(c) two or more jailers, at the discretion of the county governing body, who may be deputies, but shall not be included in the number of deputies authorized by subsection (a) above. Such jailers shall receive not less than $500 nor more than $600 monthly.

The exact amount of compensation of each of such deputies, jailers and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county as the salaries of other county employees are paid.

Section 2. The county governing body shall furnish each deputy of the sheriff with uniforms or it may in its discretion pay to each deputy annually a uniform allowance of $125.

Section 3. Each employee of the sheriff's office shall be granted two weeks vacation leave and two weeks sick leave with pay each year. Accumu-

lation of vacation leave shall be allowed up to a maximum of sixty working days and accumulation of sick leave shall be allowed up to a maximum of thirty working days. "Sick leave" shall mean absence from duty of an employee because of: (1) illness; (2) bodily injury not incurred in line of duty, or bodily injury or occupational illness incurred in line of duty, but for which special leave is not granted; (3) attendance on members of the immediate family whose illness requires the care of such employee; and (4) death in the immediate family of an employee.

Section 4. Act No. 31, S. 128, Regular Session 1943, (Local Acts 1943, p. 18); Act No. 219, H. 557, Regular Session 1947; (Local Acts 1947, p. 124); Act No. 91, H. 391, Regular Session 1951 (Acts 1951, p. 312); Act No. 413, H. 888, Regular Session (Acts 1955, p. 957); Act No. 656, H. 1106, Regular Session 1957 (Acts 1957, p. 997); Act No. 658, H. 1109, Regular Session 1957 (Acts 1957, p. 998); Act No. 115, S. 6, Special Session 1961 (Acts 1961, p. 2040); Act No. 116, S. 7, Special Session 1961, (Acts 1961, p. 2041); Act 117, S. 8, Special Session 1961 (Acts 1961, p. 2041); Act No. 802, H. 1004, Regular Session 1965 (Acts 1965, p. 1504) and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

ROBT. W. HILL, JR.,
Notary Public,
State at Large.

Also:

By Messrs. Hill and Haygood:

H. 924. To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; and to regulate further the places for registration of applicants therefor.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

(No. 2–858:5/28/69)

A BILL
TO BE ENTITLED
AN ACT

To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; and to regulate further the places for registration of applicants therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Lauderdale County is hereby relieved of the duty of visiting the several precincts between October first and December thirty-first in odd-numbered years for the purpose of making a complete registration of all persons entitled to register as required by Code of Alabama 1940, Title 17, Section 26, as amended. In lieu of visiting the precincts such board shall sit during such period for such purpose either at the courthouse or at such other towns or communities in the county as, in the board's opinion, will facilitate the making of a complete registration of persons entitled to register. They shall remain at each place designated for registration at least one-half day. They shall give at least twenty days notice of the time when and the place where they will attend to register applicants for registration, by bills posted at three or more public places in each town or community designated for registration, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them, they shall, after like notice, fill new appointments in such town or community. The time consumed by the board in completing such registration shall be subject to the limitation prescribed in Code of Alabama 1940, Title 17, Section 26, as amended. Except as hereinabove provided the times and places of meetings of the board of registrars of Lauderdale County shall be governed by the general law.

Section 2. In Lauderdale County no person shall be registered except at the courthouse or at one of the places of registration designated by the board of registrars as authorized in Section 1 of this Act; however, any resident of Lauderdale County who is entitled to register, may register at any place designated for registration, even though he is not a resident of the precinct in which such designated place of registration lies.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

ROBT. W. HILL, JR.,
Notary Public,
State at Large.

Also:

By Messrs. Hill and Haygood:

H. 925. To amend Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, and provides for the taxing and collection of additional court costs in certain courts in the county to finance such library; to provide further for the taxing and collection of additional court cost for such purpose.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 88, S. 181, Regular Session 1959 (Acts 1959 p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, and provides for the taxing and collection of additional court costs in certain courts in the county to finance such library; to provide further for the taxing and collection of additional court cost for such purpose.

Section 1. Section 2 of Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, is hereby amended to read as follows:

"Section 2. In order to provide a special fund for the maintenance of said library there shall be taxed as cost:

"The sum of one dollar in each misdemeanor case or case involving the violation of a municipal ordinance other than an ordinance relating to parking vehicles filed in a municipal court;

"The sum of one dollar in each criminal case, quasi-criminal case or civil case filed in the county court, and in each criminal case or quasi-criminal case involving a misdemeanor filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County;

"The sum of three dollars in each criminal or quasi-criminal case involving a felony and in each civil action at law, suit in equity, proceeding on a forfeited bail bond or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior court to the circuit court of Lauderdale County, hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County.

"Such costs shall be collected as other costs in such courts are collected and shall be paid by the magistrate, clerk of the court or register thereof, as the case may be, to the county depository of Lauderdale County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

ROBT. W. HILL, JR.,
Notary Public, State at Large.

Also:

By Messrs. Hill and Haygood:

H. 926. Relating to Lauderdale County; prescribing a fee for the issuance of pistol permits by the sheriff's office, and providing for the disposition thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

(No. 2-887:6/3/69)

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; prescribing a fee for the issuance of pistol permits by the sheriff's office, and providing for the disposition thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Lauderdale County shall collect a fee of five dollars for each pistol permit issued by him. Such fee shall be in addition to any other fee required by law for the issuance of a pistol permit. The entire amount of said fee shall be paid into the county treasury to the credit of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act is estimated to bring into the County General Fund between $1,000 and $2,000 annually.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

ROBT. W. HILL, JR.,
Notary Public, State at Large.

Also:

By Messrs. Hill and Haygood:

H. 928. To regulate the compensation, fees and commissions of the judge of probate of Lauderdale County, providing for payment into the gen-

eral fund of the county of a portion of the commissions accruing to the judge of probate for remittance of money collected on the issuance and sale of motor vehicle licenses.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate the compensation, fees and commissions of the judge of probate of Lauderdale County, providing for payment into the general fund of the county of a portion of the commissions accruing to the judge of probate for remittance of money collected on the issuance and sale of motor vehicle licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lauderdale County the judge of probate shall be entitled to retain for his own use and benefit the first $5,500.00 of the commissions deducted on the remittance of money collected in reference to the issuance and sale of motor vehicle licenses as provided in Code of Alabama 1940, Title 51, Section 712, as amended, and he shall pay over to the county, to be covered into the general fund of the county, the remainder of the total of all such commissions so deducted as provided in Section 712 of Title 51, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect October 1, 1969.

This Act is estimated to bring between $10,000 and $12,000 into the County General Fund annually.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in

the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

ROBT. W. HILL, JR.,
Notary Public, State at Large.

Also:

By Messrs. Starnes, McDonald and Drake:

H. 932. To amend Section 4 of Act No. 30, S. 5, Regular Session 1963 (Acts 1963, p. 404), an act to establish the County Court of Marshall County, so as to increase the salary of the judge of said court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 4 of Act No. 30, S. 5, Regular Session 1963 (Acts 1963, p. 404), an act to establish the County Court of Marshall County, so as to increase the salary of the judge of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 30, S. 5, Regular Session 1963 (Acts 1963, p. 404), relating to the County Court of Marshall County is amended to read as follows:

"Section 4, Salary of Judge. That the judge of said court shall receive a salary of $12,500 per annum, payable in equal monthly installments out of the general funds of the county at the end of each month, his signed receipt being required."

Section 2. This act shall become effective at the expiration of the term of office of the incumbent judge of the County Court of Marshall County.

STATE OF ALABAMA
MARSHALL COUNTY

Before me, a Notary Public, in and for said State and County personally appeared the undersigned, Jesse A. Culp, who, being first duly sworn according to law, desposes and says that he is the publisher of The Sand Mountain Reporter, a newspaper of general circulation, published at Albertville, in Marshall County, Alabama; that the attached notice, which is a part of this

affidavit, was published in the issues of said newspaper, dated May 24, 1969, May 31, 1969, June 7, 1969, and June 14, 1969.

JESSE A. CULP,
Publisher.

Sworn to and subscribed before me this the 18th day of June, 1969.

MIRIAM BREASEALE,
Notary Public.

Also:

By Messrs. Starnes and McDonald:

H. 949. Relating to counties having populations of not less than 47,000 nor more than 49,000; authorizing the county governing body to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county.

Also:

By Messrs. McDonald and Starnes:

H. 972. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax collector of each of such counties.

Also:

By Messrs. Starnes and McDonald:

H. 973. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax assessor of each of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 736, 827, 879, 923, 924, 925, 926, 928, 932, 949, 972 and 973. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

H. 360. To make an appropriation to the Governor's Office for the purpose of paying a contribution to the National Governors Conference.

Was read a third time at length and passed.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Dominick	Harris	O'Bannon
Adams	Engel	Hawkins	Oden
Albea	Folsom	Jackson	Pierce
Bailes	Giles	Leonard	Radney
Branyon	Gilmore	Lolley	Skidmore
Carr	Givhan	Morrow	Stone
Childs	Goodwyn	Nabors	Vacca

—27

Nay: Mr. McCarley —1

The Bill:

H. 874. To provide for the appointment of a deputy district attorney for the Twenty-Ninth Judicial Circuit of Alabama, prescribe his powers and duties, fix and provide for payment of his compensation, and regulate his tenure in office.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	Nabors
Albea	Giles	Leonard	O'Bannon
Bailes	Gilmore	Lindsey	Oden
Carr	Givhan	Lolley	Pierce
Childs	Goodwyn	McCarley	Radney
Cooper	Harris	McDermott	Skidmore
Dominick	Hawkins	Morrow	Stone
Engel			

—28

Nays: —0

The Bill:

H. 564. Relating to the Twenty-ninth Judicial Circuit; creating an additional judgeship for such circuit; providing for the designation of such judgeships by number and for a presiding judge of such circuit; and providing for the election, term, compensation, powers, duties, liabilities and authority of an additional judge for such circuit.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors
Albea	Engel	Leonard	O'Bannon
Bailes	Giles	Lindsey	Oden
Carr	Givhan	Lolley	Pierce
Childs	Goodwyn	McCarley	Radney
Clark	Harris	McDermott	Skidmore
Cooper	Hawkins	Morrow	Stone

—27

Nays: —0

The Bill:

S. 93. Relating to suffrage and elections; authorizing and providing for registration of certain absentee electors by mail.

was taken up.

Mr. Radney offered the following amendment to the Bill, S. B. 93, to-wit:

AMENDMENT TO S. B. 93

Amend Senate Bill 93, Section 1, to read as follows:

"The following persons shall be entitled to register to vote by mail if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, namely, members of the armed forces of the United States, persons employed outside the United States and the spouses and children of such persons, provided, however, that such persons shall be entitled to register only in the counties where they were residents prior to entering the status which makes them eligible for such registration."

Amend Senate Bill 93 Section 2 to insert after the words "Amendment XCI", the following words:

"and any additional questionnaire deemed necessary to determine eligibility to register",

And to change the words thereafter, "Which questionnaire" to read "which questionnaires".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors
Adams	Engel	Leonard	O'Bannon
Albea	Folsom	Lindsey	Oden
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Goodwyn	McDermott	Stone
Childs	Harris	Morrow	Vacca
Cooper	Hawkins		—29

Nays: —0

Mr. Cooper moved that further consideration of the Bill, S. B. 93, as amended, be postponed until the next Legislative Day. On motion of Mr. Radney, the motion to postpone was laid on the table.

Yeas 20; Nays 12.

Yeas:

Messrs.:	Gilmore	McDermott	Pierce
Albea	Goodwyn	Morrow	Radney
Bailes	Harris	Nabors	Skidmore
Carr	Hawkins	O'Bannon	Turner
Dominick	Leonard	Oden	Vacca
Engel			—20

Nays:

Messrs.:	Clark	Giles	McCarley
Adams	Cooper	Givhan	Pelham
Branyon	Folsom	Lolley	Stone
Childs			—12

And said Bill, S. B. 93, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 7.

Yeas:

Messrs.:	Dominick	Hawkins	Oden
Albea	Engel	Leonard	Pierce
Bailes	Folsom	Lolley	Radney
Carr	Gilmore	McDermott	Stone
Childs	Goodwyn	Morrow	Turner
Clark	Harris	Nabors	Vacca
			—23

Nays:

Messrs.:	Branyon	Giles	McCarley
Adams	Cooper	Givhan	Skidmore
			—7

The Bill:

S. 98. Proposing an amendment to the Constitution of Alabama providing for the registration of electors by mail.

was taken up.

Mr. Radney offered the following amendment to the Bill, S. B. 98, to-wit:

AMENDMENT TO S. B. 98

Amend S. B. 98, Section 1, to read as follows:

"Section 1. The following amendment to the Constitution of Alabama 1901 is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

"PROPOSED AMENDMENT

"The legislature may enact appropriate legislation authorizing and providing for the following persons to register to vote by mail, if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, namely, members of the armed forces of the United States, persons employed outside the United States, and the spouses and children of such persons, provided, however, that such persons shall be entitled to register only in the counties where they were residents prior to entering the status which makes them eligible for such registration".

Which was adopted.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Branyon	Clark	Engel
Albea	Carr	Cooper	Folsom
Bailes	Childs	Dominick	Gilmore

Givhan	McCarley	O'Bannon	Radney	
Harris	McDermott	Oden	Skidmore	
Hawkins	Morrow	Pelham	Stone	
Lindsey	Nabors	Pierce	Turner	
Lolley				—28

Nay: Mr. Adams —1

And said Bill, S. B. 98, as thus amended, was then read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 6.

Yeas:

Messrs.:	Engel	Lolley	Pierce	
Albea	Folsom	McDermott	Radney	
Bailes	Gilmore	Morrow	Skidmore	
Carr	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Dominick	Lindsey	Pelham	Vacca	
				—23

Nays:

Messrs.:	Branyon	Giles	McCarley	
Adams	Cooper	Givhan		—6

The Bill:

S. 338. Relating to juries and jurors; to provide compensation for wage loss sustained by employees required to serve on juries of courts created pursuant to the Constitutions and laws of the United States and the State of Alabama; to repeal conflicting laws and for other purposes.

was taken up.

Mr. Turner offered the following amendment to the Bill, S. B. 338, to-wit:

AMENDMENT TO S. B. 338

Amend Section 1 of Senate Bill 338 as follows:

Amend the second sentence of Section 1 by deleting the word "the" before the word "employee" in the first line of said sentence and substituting therefor the words "any full time".

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Cooper	Harris	Pelham	
Adams	Dominick	Hawkins	Pierce	
Albea	Engel	Lolley	Radney	
Bailes	Folsom	McCarley	Skidmore	
Branyon	Giles	Morrow	Stone	
Carr	Gilmore	O'Bannon	Turner	
Clark				—24

Nay: Mr. Nabors —1

And said Bill, S. B. 338, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 5.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce	
Branyon	Giles	McCarley	Radney	
Clark	Gilmore	McDermott	Skidmore	
Cooper	Givhan	Nabors	Turner	
Dominick	Goodwyn	O'Bannon	Vacca	
Engel	Hawkins	Pelham		—22

Nays:

Messrs.:	Albea	Carr	Harris	
Adams	Bailes			—5

The Bill:

S. 339. Relating to the blocking of crossings of railroad tracks and public streets, roads and highways by railroad trains or railroad equipment; making it unlawful for any railroad company to order, allow, or permit its trains or equipment to block such streets, roads or highways for more than a specified period of time; requiring such trains or equipment to be cut or so removed as to clear any crossing of any public road, street or highway upon the approach of any emergency vehicle as herein defined; providing for the assessment of fines and penalties against such railroad company for violation thereof; providing that railroad companies shall be responsible for acts of its agents or employees; providing an effective date.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 339, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 339

A BILL
TO BE ENTITLED
AN ACT

To provide that no member of a train crew, yard crew or engine crew of a railroad, which is a common carrier, shall be held personally responsible or found guilty of violating any law of this state or any municipal ordinance regulating or intended to regulate the occupying or blocking of any street, road or highway crossing-at-grade by trains or passenger or freight cars upon proof of certain facts; to provide that the provisions of this Act shall not relieve the employer or railroad from certain responsibility; and to repeal certain laws and ordinances.

Be It Enacted by the Legislature of Alabama:

Section 1. No member of a train crew, yard crew or engine crew of a railroad, which is a common carrier, shall be held personally responsible or found guilty of violating any law of this state or any municipal ordinance regulating or intended to regulate the occupying or blocking of any street, road or highway crossing-at-grade by trains or passenger or freight cars upon

reasonable proof that the occupying or blocking of said street, road or highway crossing-at-grade was necessary to comply with the orders or instructions either written or oral of his employer or its officers or supervisory officials; provided, however, that the provisions of this Act shall not relieve the employer or railroad from any responsibility placed upon said employee or railroad by any such State laws or by such municipal ordinances. Provided furthat nothing contained herein shall affect any civil tortuous responsibility of the agent, servants, employees and the railroad itself.

Section 2. All laws or parts of laws and all municipal ordinances or parts of municipal ordinances in conflict with the provisions and intent of this Act to the extent of such conflict are hereby amended, superseded and repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Albea	Giles	Lindsey	Pierce	
Bailes	Gilmore	Lolley	Radney	
Branyon	Givhan	McCarley	Skidmore	
Carr	Goodwyn	McDermott	Stone	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Engel				—28

Nay: Mr. Dominick —1

Mr. Bailes offered the following amendment to the Bill, S. B. 339, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 339, AS SUBSTITUTED

Amend S. B. 339 by striking out in Section 7 words and figures

"Fifty and no/100 Dollars" ($50.00)

And insert

Five Hundred and no/100 ($500.00).

Which was adopted.

Yeas 19; Nays 5.

Yeas:

Messrs.:	Folsom	Lindsey	Radney	
Adams	Giles	McCarley	Skidmore	
Albea	Gilmore	Nabors	Stone	
Bailes	Givhan	Pelham	Turner	
Engel	Leonard	Pierce	Vacca	
				—19

Nays:

Messrs.:	Harris	Lolley	Oden	
Branyon	Hawkins			—5

And said Bill, S. B. 339, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Albea	Gilmore	McCarley	Skidmore	
Bailes	Givhan	McDermott	Stone	
Branyon	Hawkins	Nabors	Turner	
Dominick	Jackson	O'Bannon	Vacca	
Engel	Leonard	Oden		—26

Nays: —0

The Bill:

S. 408. To make an appropriation from the General Fund of the State Treasury to the use of the Agricultural Center Board for expenditure by said Board in the promotion of agriculture and agricultural fairs throughout the State by providing State aid for the payment of prizes, premiums and awards for agricultural and related exhibits at bona fide agricultural fairs; to provide the manner, methods and procedure under which funds appropriated for this purpose shall be disbursed; and to authorize the Agricultural Center Board to appoint a special awards committee for fairs and to adopt rules and regulations to effectuate the intent and purpose of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	O'Bannon	
Adams	Folsom	Lindsey	Oden	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Carr	Harris	Morrow	Turner	
Cooper	Hawkins	Nabors	Vacca	
Dominick				—28

Nays: —0

The Bill:

S. 226. To fix the salary of the Attorney General.

Was read a third time at length and passed.

Yeas 19; Nays 3.

Yeas:

Messrs.:	Gilmore	Lindsey	Nabors	
Adams	Givhan	Lolley	O'Bannon	
Cooper	Harris	McCarley	Oden	
Engel	Hawkins	McDermott	Skidmore	
Giles	Leonard	Morrow	Vacca	
				—19

Nays:

Messrs.:	Albea	Bailes	Branyon

—3

The Bill:

S. 484. To amend Section 5 of Act No. 586, Acts 1957, Volume II, page 823, approved September 18, 1957, entitled, "An Act further regulating the traffic in narcotic drugs by forbidding unauthorized transportation or conveying of such drugs and providing that any vehicle, boat, aircraft or other conveyance used in the illegal carrying or transportation of narcotic drugs shall be contraband and forfeited to the State of Alabama in the manner prescribed in this Act."

Was read a third time at length and passed, and ordered sent forthwith to the House with engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	O'Bannon
Albea	Giles	Lolley	Pelham
Bailes	Givhan	McCarley	Pierce
Branyon	Hawkins	McDermott	Skidmore
Clark	Jackson	Morrow	Stone
Cooper	Leonard	Nabors	Turner

—23

Nays: —0

The Bill:

S. 146. To authorize a qualification fee for all candidates in municipal elections held in this state, prescribing the manner and time of the fixing of such fees and imposing a limit in the amount thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	O'Bannon
Adams	Givhan	Lolley	Pelham
Albea	Harris	McCarley	Pierce
Bailes	Hawkins	McDermott	Skidmore
Branyon	Jackson	Morrow	Stone
Dominick	Leonard	Nabors	Vacca
Folsom			

—24

Nays: —0

The Bill:

S. 495. To prohibit the possession of firearms on the property of any private or public school, vocational or trade school or institution of higher learning without a permit from school authorities.

was taken up.

Mr. McCarley offered the following amendment to the Bill, S. B. 495, to-wit:

AMENDMENT TO S. B. 495

Amend Section 1 by inserting in the first sentence immediately after the word "person" and before the word "who" where these words appear in that order, the following:

"except a duly authorized law enforcement officer"

Also,

Amend Section 1 by inserting in the first sentence immediately after the first word "firearm" and before the word "in" where these words appear in that order, the following:

"or a knife with a fixed or moveable blade which exceeds three (3) inches in length"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	O'Bannon	
Albea	Giles	Lolley	Pierce	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Goodwyn	McDermott	Stone	
Childs	Hawkins	Morrow	Vacca	
Cooper	Leonard	Nabors		—22

Nays: —0

And said Bill, S. B. 495, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Nabors	
Adams	Giles	Lindsey	O'Bannon	
Albea	Givhan	Lolley	Pierce	
Bailes	Goodwyn	McCarley	Skidmore	
Childs	Harris	McDermott	Stone	
Clark	Hawkins	Morrow	Vacca	
Cooper				—24

Nays: —0

The Bill:

S. 158. To confer on each municipality in the state the power to acquire and develop industrial parks and to expend moneys for such purpose, and the power to sell property forming a part of an industrial park for not less than the reasonable market value of the property so sold as established by independent appraisals.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 3.

Yeas:

Messrs.:	Givhan	Leonard	Nabors	
Childs	Goodwyn	Lindsey	Oden	
Clark	Harris	Lolley	Radney	
Cooper	Hawkins	McDermott	Stone	
Dominick	Jackson	Morrow	Vacca	
Giles				—20

Nays:

Messrs.:	Albea	Bailes	Pierce	
				—3

The Bill:

S. 160. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 1.

Yeas:

Messrs.:	Gilmore	Leonard	O'Bannon	
Bailes	Givhan	Lindsey	Oden	
Childs	Goodwyn	Lolley	Pierce	
Clark	Harris	McDermott	Radney	
Cooper	Hawkins	Morrow	Stone	
Dominick	Jackson	Nabors	Vacca	
				—23

Nay: Mr. Albea —1

The Bill:

S. 162. To amend Sections 1 and 3 of Act 859 enacted at the 1953 Regular Session of the Legislature of Alabama, which Act relates to the validation prior to their issuance of bonds, warrants, certificates of indebtedness and notes of public corporations and public bodies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors	
Albea	Giles	Leonard	Oden	
Bailes	Gilmore	Lolley	Pierce	
Childs	Givhan	McDermott	Stone	
Clark	Goodwyn	Morrow	Vacca	
Cooper	Harris			—21

Nays: —0

The Bill:

S. 269. To propose an amendment to the Constitution of Alabama with respect to the retirement, censure, suspension and removal of judges, creating a Judicial Commission and defining its powers, duties and authority.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 2.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Albea	Givhan	Lolley	Pierce	
Branyon	Harris	McDermott	Radney	
Childs	Hawkins	Morrow	Stone	
Clark	Jackson	Nabors	Vacca	
Dominick	Leonard			—21

Nays: Messrs. Goodwyn and Turner —2

The Bill:

S. 441. To amend Act No. 310 adopted at the 1967 Regular Session of the Legislature of Alabama, to provide that members of the Board of Directors of the Mental Health Authority need not be residents of the municipality which appoints them, but need only be residents of the area served by the Mental Health Authority.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 19; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	Morrow	
Albea	Dominick	Leonard	Oden	
Branyon	Gilmore	Lindsey	Radney	
Childs	Givhan	Lolley	Skidmore	
Clark	Goodwyn	McDermott	Stone	
				—19

Nays: —0

BILL RECONSIDERED

On motion of Mr. Turner, the Senate reconsidered the vote by which the Bill, S. B. 339, as amended, was passed.

On motion of Mr. Turner, the Senate reconsidered the vote by which the Bill, S. B. 339, as amended, was ordered to its third reading.

On motion of Mr. Turner, the Senate reconsidered the vote by which the amendment offered by Mr. Bailes was adopted.

On motion of Mr. Turner, said amendment was laid on the table.

And said Bill, S. B. 339, as amended by the substitute, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Branyon	Dominick	Goodwyn
Albea	Childs	Gilmore	Harris
Bailes	Clark	Givhan	Hawkins

Leonard	McDermott	Radney	Stone	
Lindsey	Morrow	Skidmore	Turner	
Lolley	Nabors			—21

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 45. To prohibit the exposing of certain obscene and harmful materials to minors; to define terms, and to prescribe penalties.

was taken up.

Mr. Gilmore offered the following substitute for the Bill, S. B. 45, to-wit:

SUBSTITUTE FOR S. B. 45

A BILL
TO BE ENTITLED
AN ACT

To prohibit the exposing of obscene and harmful materials to persons eighteen years of age and older; to define terms and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act.

(a) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(b) "Sexual conduct" means act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(c) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(d) "Sado-masochistic abuse" means flagellation or tortue by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) "Obscene" means that description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful or morbid interest, and

(ii) is patently offensive to prevailing or contemporary standards in the adult community as a whole with respect to what is suitable material, and

(iii) is utterly without redeeming social value or importance.

(g) "Hard-core pornography" means material, when considered as a whole, its predominant appeal is to prurient interest, is patently offensive to prevailing or contemporary standards, is utterly without redeeming social value or importance and in addition it goes substantially beyond customary limits of candor in describing or representing such matters.

(h) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both:

(i) the character and content of any material described herein which is reasonably susceptible of examination by the defendant;

(ii) such term includes the calculated purveyance of filth.

Section 2. Selling, exhibiting or possessing obscene materials. It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a person eighteen years of age or older:

(a) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is obscene or represents hard-core pornography.

(b) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (a) of section 2 hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is obscene or represents hard-core pornography.

Section 3. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to another or knowingly to sell to another an admission ticket or pass or knowingly to admit another for a monetary consideration to premises whereon there is exhibited, a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse which is obscene or represents hard-core pornography.

Section 4. (a) No prosecution may be commenced against any person for violating Sections 2 and 3 of this Act unless the accused is first served with prior written notice that there is reasonable cause to believe the material upon which such prosecution is based violates this Act, and the accused has, after receiving such notice violated this Act.

(b) The written notice provided for in paragraph (a) of this Section 4 may be given by only the following officials: the State Attorney General and any Assistant Attorney General; the district attorney, county solicitor, their assistants and deputies, or any person whose office and duty is to prosecute criminal actions before any state, county or municipal court; the sheriff; the chief of police of any municipality or town; and the duly authorized law enforcement employees of the Department of Public Safety.

(c) Any person receiving such written notice provided for in paragraph (a) of this Section 4 shall have the right within 30 days from such notice to file an appropriate action for declaratory judgment to determine the validity of such written notice, but no such action shall, by reason of the commencement thereof, stay or in any way delay or postpone any prosecution for the violation of this Act.

Section 5. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail or sentenced to hard labor for the county, for not more than one year, and may be fined not more than two thousand dollars ($2,000.00) for each offense, or be both so imprisoned and fined, in the discretion of the court.

Section 6. The provisions of this Act are cumulative and shall be in addition to any and all laws now enacted dealing with obscene or hard-core pornography and shall not be construed to limit or repeal other laws on such matters and shall specifically apply to the exposing of obscene and harmful materials to persons eighteen years of age and older.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	O'Bannon	
Albea	Engel	Hawkins	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Gilmore	McDermott	Skidmore	
Childs	Givhan	Morrow	Stone	
Clark	Goodwyn	Nabors	Vacca	
				—27

Nays: —0

And said Bill, S. B. 45, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Pelham	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lindsey	Radney	
Branyon	Giles	Lolley	Skidmore	
Carr	Gilmore	McCarley	Stone	
Childs	Givhan	McDermott	Turner	
Clark	Goodwyn	Nabors	Vacca	
Cooper	Harris			
				—29

Nays: —0

The Bill:

S. 220. To amend further Act No. 533, S. 166, approved September 13, 1957, (Acts of Alabama, 1957 Regular Session, page 750), entitled, "An Act to create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of

the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the 'Professional Foresters Fund', and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, S. 108, approved September 15, 1961, (Acts of Alabama, 1961 Special Session, page 2082).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 1.

Yeas:

Messrs.:	Engel	Hawkins	Pierce	
Albea	Folsom	Jackson	Radney	
Bailes	Giles	Leonard	Skidmore	
Branyon	Gilmore	Lindsey	Stone	
Carr	Givhan	Lolley	Turner	
Childs	Goodwyn	McCarley	Vacca	
Clark	Harris	Morrow		—26

Nay: Mr. Nabors —1

The Bill:

S. 322. To amend Act No. 221, H. 40, of the First Special Session of 1965 (Acts, Special Session 1965, p. 288) in relation to the State Textbook Committee, prescribing the number of members thereof, the manner of their appointment, their terms of office and the time for meetings of the committee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Nabors	
Albea	Gilmore	Lindsey	Pelham	
Bailes	Givhan	Lolley	Pierce	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Hawkins	McDermott	Stone	
Clark	Jackson	Morrow	Vacca	
Folsom				—24

Nays: —0

The Bill:

S. 390. To amend "The Physical Therapy Practice Act," Act No. 476, H. 8, Regular Session 1965 (Acts, Regular Session 1965, p. 686), in order to provide further for registration of physical therapists and to provide for licensing of physical therapy assistants; specifically to provide further for examinations of applicants for registration and licensing; and to clarify certain provisions in the Act.

was taken up.

Mr. Harris offered the following amendment to the Bill, S. B. 390, to-wit:

AMENDMENT TO S. B. 390

In Section 8 strike out the quotation marks at the end of Section 9 of Act No. 476, Regular Session 1965, as set out in said Section 8, and insert in lieu thereof and as a part of said Section 9 of Act. 476 the following: "or a person filing an application before August 20, 1970 who presents satisfactory evidence to the Board that he is of good moral character and that on August 20, 1965, he was, and for the preceding nine years had been, employed in the physical therapy department of a duly licensed general hospital in Alabama, and that he has successfully completed courses at a teaching hospital in Anatomy, Hospital Procedures, Ethics and Terminology and is adept at administering all forms of modalities in physical therapy."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden
Albea	Gilmore	Lindsey	Pierce
Bailes	Givhan	Lolley	Radney
Branyon	Goodwyn	McCarley	Skidmore
Carr	Harris	McDermott	Stone
Clark	Jackson	Nabors	Vacca

—23

Nays: —0

Mr. Harris then offered the following amendment to the Bill, S. B. 390, as amended, to-wit:

AMENDMENT TO 390

Senate Bill 390 is hereby amended as follows:

In Section 1, paragraph (a) in the second line of said paragraph, place a comma between the words "cold water".

In Section 1, paragraph (d) add at the end of said paragraph the following sentence: "The Physical Therapy Assistant shall practice only under the direction of a Registered Physical Therapist."

In Section 3, paragraph (a) in the third line of said paragraph, delete the word "five" and add the word "three" in lieu thereof.

Section 3, paragraph (b), item (2) is amended as follows: between the word "years" and the word "preceding" insert the following: "within the State of Alabama."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pierce
Albea	Givhan	Lolley	Radney
Branyon	Goodwyn	McCarley	Skidmore
Carr	Harris	McDermott	Stone
Dominick	Hawkins	Nabors	Vacca
Engel	Leonard	Oden	

—22

Nays: —0

Mr. Skidmore offered the following amendment to the Bill, S. B. 390, as amended, to-wit:

AMENDMENT TO 390

Amend the Bill, Senate Bill 390, by adding thereto Section 13½ as follows:

"Nothing in this Act shall be construed as repealing or is in anywise amending Act Number 22 House 216 Special Session 1966, approved August 12, 1966."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Morrow	
Albea	Engel	Leonard	Pelham	
Branyon	Gilmore	Lindsey	Pierce	
Carr	Givhan	Lolley	Skidmore	
Childs	Goodwyn	McCarley	Vacca	
Clark	Hawkins	McDermott		—22
Nays:				—0

And said Bill, S. B. 390, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Clark	Harris	McDermott	
Albea	Dominick	Hawkins	Nabors	
Bailes	Engel	Jackson	Pierce	
Branyon	Gilmore	Lindsey	Skidmore	
Carr	Givhan	Lolley	Vacca	
Childs	Goodwyn			—21
Nays:				—0

The Bill:

H. 428. To amend Section 16 of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Nabors	
Albea	Gilmore	Jackson	Pelham	
Branyon	Givhan	Lindsey	Pierce	
Carr	Goodwyn	Lolley	Radney	
Clark	Harris	McDermott	Vacca	
Dominick				—20
Nays:				—0

The Bill:

S. 384. To provide for the appointment of one additional board member to the Alabama board of cosmetology; to provide for the qualifications, term, authority, duties, responsibilities and compensation of such member; and to provide that this act shall be supplementary to the state cosmetology law as provided by Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), as amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 17; Nays 1.

Yeas:

Messrs.:	Clark	Jackson	Morrow	
Albea	Engel	Lindsey	Pierce	
Branyon	Gilmore	Lolley	Torbert	
Carr	Givhan	McDermott	Vacca	
Childs	Hawkins			—17

Nay: Mr. Harris —1

The Bill:

S. 621. Relating to plants and plant products: To further amend Article 28 of Title 2 of the Code of Alabama of 1940 relating to insect pests and diseases injurious to plants and plant products by amending Section 451 defining words and terms used in said Article; to amend Sections 452, as amended, 453, and 455, as amended, of said Article which said Sections relate to inspection certificate requirements and fees for nurseries and dealers in nursery stock, registration requirements and fees for agents of nurserymen; requirements for official tags for nursery stock; and to prescribe certain administrative and enforcement duties and authority of the Commissioner of Agriculture and Industries.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Nabors	
Albea	Folsom	Lindsey	Pierce	
Branyon	Givhan	Lolley	Radney	
Carr	Harris	McCarley	Stone	
Childs	Hawkins	McDermott	Turner	
Cooper	Jackson	Morrow	Vacca	
Dominick				—24

Nays: —0

The Bill:

S. 206. To amend Code of Alabama 1940, Title 51, Section 15 relating to the exemption of homesteads from state ad valorem taxes, so as to provide additional exemptions for persons over sixty-five years of age.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 206, to-wit:

COMMITTEE AMENDMENT TO S. B. 206

Amend Section 1 of S. B. 206 by adding, after the comma following the word "age" on the third line from the bottom of said section, the following: "and any persons who are totally and permanently disabled,"

On motion of Mr. Vacca, said amendment was laid on the table.

And said Bill, S. B. 206, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors
Albea	Engel	Leonard	Oden
Bailes	Folsom	Lindsey	Pierce
Branyon	Giles	Lolley	Radney
Carr	Gilmore	McCarley	Skidmore
Childs	Givhan	McDermott	Stone
Clark	Harris	Morrow	Vacca

—27

Nays: —0

The Bill:

S. 393. To amend the Code of Alabama 1940, Title 52, Section 509 (1); providing for the change in the name of The Medical College of Alabama to "The University of Alabama School of Medicine."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors
Albea	Engel	Leonard	Oden
Branyon	Giles	Lindsey	Pierce
Carr	Givhan	Lolley	Radney
Childs	Goodwyn	McCarley	Skidmore
Clark	Harris	McDermott	Stone

—23

Nays: —0

The Bill:

S. 254. To regulate the sale, transfer and possession of tear gas guns, tear gas fountain pens, or similar devices, and to prescribe penalities for violations.

Was read a third time at length and lost.

Yeas 8; Nays 16.

Yeas:

Messrs.:	Goodwyn	McCarley	Nabors
Clark	Lindsey	McDermott	Vacca
Engel			

—8

Nays:

Messrs.:	Dominick	Harris	Oden
Albea	Folsom	Hawkins	Pierce
Bailes	Giles	Leonard	Radney
Branyon	Givhan	Lolley	Skidmore
Cooper			—16

The Bill:

S. 256. To amend Act No. 206, H. 81, of the First Special Session of 1964 (Acts, First and Second Special Sessions 1964, p. 266), entitled "An Act to provide for the creation of apartment ownership, and to prescribe regulations therefor"; to redefine an apartment owner's interest in the common area and facilities appurtenant to the apartments and to prescribe a legal description of such apartments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 16; Nays 6.

Yeas:

Messrs.:	Folsom	Harris	McDermott
Albea	Giles	Lindsey	Nabors
Childs	Givhan	Lolley	O'Bannon
Clark	Goodwyn	McCarley	Skidmore
Engel			—16

Nays:

Messrs.:	Branyon	Morrow	Radney
Bailes	Dominick	Pierce	—6

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Harris, further consideration of the Bills, S. B.'s 388, 389 and 545, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 257. To prohibit the offer for sale of goods, wares or merchandise where the offer includes the unsolicited sending of such goods, wares or merchandise not requested by the recipient; and to declare the same an unconditional gift to the recipient.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clark	Harris	Nabors
Albea	Dominick	Hawkins	O'Bannon
Bailes	Engel	Lindsey	Pierce
Branyon	Folsom	Lolley	Radney
Carr	Giles	McCarley	Skidmore
Childs	Goodwyn	Morrow	Vacca
			—23

Nays: —0

The Bill:

H. 510. Relating to eminent domain proceedings; amending Code of Alabama 1940, Title 19, Section 14 in relation to proceedings instituted by watershed conservancy districts and water management districts.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Skidmore	
Bailes	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Turner	
Dominick	Hawkins	O'Bannon	Vacca	
Folsom	Leonard			—21

Nays: —0

The Bill:

H. 511. To amend Act No. 517, S. 96, Legislature of 1957, approved September 13, 1957 (Acts of Alabama 1957, Vol. II, p. 705), an Act providing for the creation of watershed conservancy districts for developing and executing plans and programs for the conservation of water, water uses, flood prevention and control, prevention and control of erosion, flood water and sediment damages by amending Sections 1 and 9 of said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Gilmore	Morrow	Skidmore	
Childs	Givhan	Nabors	Stone	
Clark	Goodwyn	O'Bannon	Turner	
Cooper	Harris	Pelham	Vacca	
Dominick	Hawkins			—25

Nays: —0

The Bill:

H. 824. To amend the "Alabama Water Management Act", Act No. 685, S. 364, of the Regular Session of 1965, (Acts of Alabama of 1965, Regular Sess., Vol. II, p. 1246), "An Act to provide for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State"; etc., by amending Sections 5, 9 and 10 of said Act which relate to the organization of water management districts.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McDermott	Pierce	
Albea	Givhan	Morrow	Radney	
Bailes	Goodwyn	Nabors	Skidmore	
Childs	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Turner	
Dominick	Leonard	Pelham	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

H. 722. To amend Act No. 249, H. 492, of the Regular Session of 1967 (Acts, Regular Session 1967, p. 629), which provides for the organization, creation, and operation of the state law institute so as to provide further for the composition of the governing body of the institute.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Gilmore	McDermott	Radney	
Childs	Givhan	Morrow	Skidmore	
Clark	Goodwyn	Nabors	Stone	
Cooper	Harris	O'Bannon	Turner	
Dominick	Hawkins	Oden	Vacca	
				—27

Nays: —0

The Bill:

H. 629. To make an appropriation to the University of Alabama for the purchase of law library books in support of the Alabama Law Institute.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Folsom	McDermott	Radney	
Bailes	Gilmore	Morrow	Skidmore	
Childs	Givhan	Nabors	Stone	
Clark	Goodwyn	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Hawkins			—25

Nays: —0

The Bill:

S. 714. To authorize the court of county commissioners, board of revenue, or like governing body of the several counties of this state, to appropriate funds of the county to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Pelham	
Albea	Folsom	Leonard	Pierce	
Bailes	Giles	McDermott	Radney	
Childs	Gilmore	Morrow	Skidmore	
Clark	Givhan	O'Bannon	Stone	
Cooper	Goodwyn	Oden	Vacca	
Dominick	Harris			—25

Nays: —0

The Bill:

S. 247. To amend further Act No. 582, H. 402, Regular Session 1965 (Acts 1965, p. 1079), entitled "An Act to fix the compensation of certain state officers."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 3.

Yeas:

Messrs.:	Gilmore	McDermott	Pelham	
Albea	Givhan	Morrow	Radney	
Clark	Hawkins	Nabors	Skidmore	
Cooper	Leonard	O'Bannon	Stone	
Engel	Lindsey	Oden	Turner	
Folsom				—20

Nays:

Messrs.:	Bailes	Dominick	Goodwyn	
				—3

The Bill:

S. 518. To fix the compensation of Circuit Judges in Alabama; and to provide the method of payment and effective date thereof.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 518, to-wit:

COMMITTEE SUBSTITUTE FOR SB 518

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation of circuit judges in Alabama; and to provide the method of payment and effective date thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary payable by the State of Alabama to each circuit judge of the State of Alabama shall be eighteen thousand dollars

($18,000.00) per annum and shall be paid out of the general treasury of the state in equal semi-monthly instailments.

Section 2. This Act shall not affect the compensation payable to any circuit judge by any county.

Section 3. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law but, in no event, prior to the first Monday after the second Tuesday in January 1971; provided that thereafter any change in said salary shall be limited in its commencement by the operation of any applicable constitutional provision, if any.

Which was adopted.

Yeas 20; Nays 2.

Abstaining 2.

Yeas:

Messrs.:	Gilmore	Lolley	O'Bannon	
Albea	Givhan	McCarley	Radney	
Clark	Goodwyn	McDermott	Skidmore	
Cooper	Hawkins	Morrow	Stone	
Folsom	Leonard	Nabors	Torbert	
Giles				—20

Nays: Messrs. Carr and Oden —2

Abstaining: Messrs. Bailes and Lindsey —2

And said Bill, S. B. 518, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 2.

Abstaining 2.

Yeas:

Messrs.:	Gilmore	Lolley	O'Bannon	
Albea	Givhan	McCarley	Radney	
Clark	Goodwyn	McDermott	Skidmore	
Cooper	Hawkins	Morrow	Stone	
Folsom	Leonard	Nabors	Torbert	
Giles				—20

Nays: Messrs. Carr and Oden —2

Abstaining: Messrs. Bailes and Lindsey —2

The Bill:

S. 604. To amend Section 4 of Act No. 175, S. B. 280, Regular Session, 1951 (Acts of Alabama, 1951, Volume I, p. 416, et seq), an act providing for the incorporation of municipal water, sewer, gas and electric boards and systems.

was taken up.

Mr. Pelham offered the following amendment to the Bill, S. B. 604, to-wit:

AMENDMENT TO SB 604

Amend Senate Bill 604 in Line 26, on Page 3, after the word "transfer" by adding the following:

"provided, however, that the governing body of the municipality in which such system authorized under this act is incorporated consents to the lease, exchange, sale, conveyance, or other disposition and such consent is evidenced by a duly adopted ordinance of the said governing body, which ordinance shall be adopted within thirty days of such lease, exchange, sale, conveyance or other disposition;"

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Dominick	Lindsey	O'Bannon	
Albea	Givhan	Lolley	Oden	
Bailes	Goodwyn	McCarley	Pelham	
Childs	Hawkins	McDermott	Radney	
Clark	Leonard	Nabors	Torbert	
Cooper				—20

Nay: Mr. Harris —1

And said Bill, S. B. 604, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Givhan	McDermott	Pelham	
Albea	Goodwyn	Morrow	Pierce	
Bailes	Leonard	Nabors	Radney	
Clark	Lindsey	O'Bannon	Stone	
Folsom	Lolley	Oden	Vacca	
Giles	McCarley			—21

Nays: —0

The Bill:

S. 605. To amend Sections 4 and 11 of Act No. 762, S. B. 515, Regular Session, 1951 (Acts of Alabama, 1951, Volume II, p. 1319 et seq), an act providing for and authorizing the incorporation of gas districts in the State of Alabama, so as to provide that a gas district may sell and convey a gas system or systems to utility companies or corporations regulated by the Alabama Public Service Commission, and likewise at foreclosure proceedings.

was taken up.

Mr. Pelham offered the following amendment to the Bill, S. B. 605, to-wit:

AMENDMENT TO S. B. 605

Amend Senate Bill 605 by adding a new Section 3 and renumbering the present Sections 3 and 4 of the bill accordingly:

"Section 3. No lease, exchange, sale, conveyance or other disposition of the real, personal, or mixed property of any district, incorporated under this act, shall be effected without the prior consent of the governing bodies of the municipalities located within the district and such consent shall be evidenced by a duly adopted ordinance of the governing bodies of such municipalities, and provided further that such consent shall be given within ninety days of any lease, exchange, sale, conveyance or other disposition of the real, personal, or mixed property of the district."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	McCarley	Pelham	
Albea	Goodwyn	McDermott	Pierce	
Bailes	Harris	Morrow	Radney	
Childs	Hawkins	Nabors	Skidmore	
Clark	Leonard	O'Bannon	Stone	
Folsom	Lindsey	Oden	Vacca	
Giles	Lolley			—25

Nays: —0

And said Bill, S. B. 605, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pelham	
Albea	Gilmore	McCarley	Pierce	
Bailes	Givhan	McDermott	Radney	
Childs	Goodwyn	Morrow	Skidmore	
Clark	Hawkins	Nabors	Stone	
Dominick	Leonard	O'Bannon	Vacca	
Folsom				—24

Nays: —0

The Bill:

S. 606. To amend Title 37, Section 376, Code of Alabama, 1940, so as to define "electric light plant," "gas plant," and "waterworks plant."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Gilmore	McDermott	Radney	
Branyon	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Turner	
Clark	Hawkins	O'Bannon		—22

Nays: —0

The Bill:

S. 607. To amend Section 6 of Act No. 154, H. B. 308, Regular Session, 1947 (General Acts of Alabama, 1947, p. 52), an act authorizing water works boards to acquire, maintain and operate gas plants and systems, so as to authorize the sale of a municipal gas plant or system to utility companies or corporations regulated by the Alabama Public Service Commission.

was taken up.

Mr. Pelham offered the following amendment to the Bill, S. B. 607, to-wit:

AMENDMENT TO S. B. 607

Amend Senate Bill 607 by adding at the end of the first section and after the word "board" the following:

"No water works board shall sell or transfer such gas plant or system to utility companies or corporations regulated by the Alabama Public Service Commission except with the express consent of the governing body of the municipality in which said water works board is located, and such consent shall be expressed by a duly adopted ordinance of the municipal governing body, which ordinance shall be adopted within thirty days of the date of sale or transfer."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pelham	
Albea	Giles	McCarley	Pierce	
Bailes	Gilmore	McDermott	Radney	
Branyon	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

And said Bill, S. B. 607, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Turner	
Clark	Harris	Nabors	Vacca	
Dominick	Hawkins	O'Bannon		—26

Nays: —0

The Bill:

S. 725. To make an appropriation to the University of Alabama Medical Center for the planning and initiation of the School of Community and Allied Health Resources.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 1.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Vacca	
Cooper				—28

Nay: Mr. Turner —1

The Bill:

H. 765. To provide for the repair/or lease of heavy duty off-highway construction equipment including machinery used for grading, drainage, road construction and compaction for exclusive use of county and municipal, highway, street and sanitation departments by the county boards of revenue or other similar county governing bodies, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, relative to exemption from competitive bidding in the expenditure of public funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 765, to-wit:

COMMITTEE AMENDMENT TO H. B. 765

That in Section 1 where the words and figures "one thousand five hundred and no/100 dollars" appear said words and figures shall read as follows:

"one thousand and no/100 dollars."

On motion of Mr. Harris, said amendment was laid on the table.

And said Bill, H. B. 765, was then read a third time at length and passed.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Folsom	Lolley	Pelham	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Stone	
Childs	Givhan	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Leonard	Oden		—26

Nays:

Messrs.:				
Albea	Carr	Goodwyn	Pierce	
				—4

The Bill:

S. 715. To amend Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940, which relate to capital outlay warrants issued by any County Board of Education or City Board of Education, so as to clarify the said sections and so as to revise the provisions thereof as to the maximum interest rate, the maximum net interest cost, and the amount of redemption premiums that are permitted with respect to such warrants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Oden	
Albea	Dominick	Hawkins	Pierce	
Bailes	Folsom	Leonard	Radney	
Branyon	Giles	Lolley	Stone	
Carr	Gilmore	McCarley	Torbert	
Childs	Givhan	McDermott	Turner	
Clark	Goodwyn	Nabors	Vacca	
				—27

Nays: —0

The Bill:

S. 286. To repeal Act No. 293, H. 35, approved July 26, 1951, an act imposing extra, new and additional duties upon the commissioner of agriculture and industries in relation to or connected with the department of corrections and institutions, eleemosynary institutions, and the state highway department (Acts 1950–51, v. 1, p. 585).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	Pierce	
Albea	Dominick	Lolley	Radney	
Bailes	Engel	McCarley	Stone	
Branyon	Gilmore	McDermott	Torbert	
Carr	Givhan	Morrow	Turner	
Childs	Goodwyn	Nabors	Vacca	
Clark	Harris	Oden		—26

Nays: —0

The Bill:

S. 285. Relating to penal institutions; providing for deductions from sentences of prisoners who donate blood to the American Red Cross.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Albea	Engel	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Morrow	Torbert	
Childs	Harris	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Cooper				—28

Nays: —0

The Bill:

S. 742. To validate moral obligations, not exceeding five hundred dollars ($500.00) in amount, paid by the Alabama Industrial School for Negro Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dominick	Lolley	Pierce	
Albea	Engel	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Stone	
Carr	Harris	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Clark	Leonard	Oden	Vacca	
Cooper				—28

Nays: —0

The Bill:

S. 415. To amend Code of Alabama 1940, Title 35, Section 115, which relates to compensation for injury, disability and death of members of the state militia.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Albea	Engel	Lolley	Pelham	
Bailes	Folsom	McCarley	Radney	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—29

Nays: —0

The Bill:

S. 399. To amend further Code of Alabama 1940, Title 30, Section 21, as amended, so as to eliminate therefrom the provision authorizing the placing on the jury roll and in the jury box the names of persons who cannot read English, but are freeholders or householders and possess the other qualifications prescribed for jurors.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pierce	
Albea	Engel	Lolley	Radney	
Bailes	Folsom	McCarley	Skidmore	
Branyon	Gilmore	Nabors	Stone	
Carr	Givhan	O'Bannon	Torbert	
Childs	Goodwyn	Oden	Turner	
Clark	Harris	Pelham	Vacca	
Cooper	Hawkins			—29

Nays: —0

The Bill:

S. 463. To authorize county governing bodies to expend county funds to purchase, erect and maintain flagpoles and flags for display on courthouse premises.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
				—31

Nays: —0

The Bill:

H. 111. To prohibit the exposing of certain obscene and harmful materials to minors; to define terms, and to prescribe penalties.

was taken up.

Messrs. Torbert and Giles offered the following substitute for the Bill, H. B. 111, to-wit:

SUBSTITUTE FOR H. B. 111

A BILL
TO BE ENTITLED
AN ACT

To prohibit the sale or delivery of certain harmful materials to minors; to define certain terms; to provide that it shall be unlawful to exhibit to minors certain prohibited practices; to provide that it shall be unlawful for minors to falsely represent their age to gain access to prohibited practices; to provide for procedures for the commencement of enforcement and for application for the declaratory judgment; to provide that it shall be unlawful for any person to make false representation that he is the parent or guardian of a minor for the purpose of gaining such minor access to prohibited practices; to place certain limitations upon the prosecution of persons accused of violating this act; to provide for exceptions; to provide for penalties; to provide the procedures connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act:

(a) "Minor" means any unmarried person under the age of eighteen years.

(b) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(c) "Sexual conduct" means the act of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person be female, breast.

(d) "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(e) "Sado-masochistic abuse" means the flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, of sado-masochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful or morbid interest of minors, and

(ii) is patently offensive to a prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

(iii) is utterly without redeeming social importance for minors.

(g) "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry or both:

(i) the character and content of any material described herein, which is reasonably susceptible of examination by the defendant, and

(ii) the age of the minor, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

Section 2. It shall be unlawful for any person knowingly to sell, deliver, distribute, display for sale or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale or provide to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter however produced or sound recording which contains any matter enumerated in paragraph (a) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

Section 3. It shall be unlawful for any person knowingly to exhibit to a minor, or knowingly to provide to a minor an admission ticket or pass, or knowingly to admit a minor to premises whereon there is exhibited, a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors.

Section 4. (a) No prosecution may be commenced against any person for violating Sections 2 and 3 of this Act unless the accused is first served with prior written notice that there is reasonable cause to believe the material upon which such prosecution is based violates this Act, and the accused has, after receiving such notice, violated this Act.

(b) The written notice provided for in paragraph (a) of this Section 4 may be given by only the following officials: the State Attorney General and any Assistant Attorney General; the district attorney, county solicitor, their assistants and deputies, or any person whose office and duty is to prosecute criminal action before any state, county or municipal court; the sheriff; the chief of police of any municipality or town; and the duly authorized law enforcement employees of the Department of Public Safety.

(c) Any person receiving such written notice provided for in paragraph (a) of this Section 4 shall have the right within 30 days from such notice to file an appropriate action for declaratory judgment to determine the validity of such written notice, but no such action shall, by reason of the commencement thereof, stay or in any way delay or postpone any prosecution for the violation of this Act.

Section 5. In prosecutions under this Act where the case is tried before a jury, then in such cases, the jury shall determine, as a matter of fact, whether the material proscribed in Section 2 of this Act and the motion picture, show or other presentation proscribed in Section 3 of this Act violates the provisions of this Act; and the trial court shall not, either before, during or after trial, dismiss a prosecution on the grounds that such material, motion picture, show or other presentation does not violate this Act as a matter of law.

Section 6. No person shall be guilty of violating the provisions of this Act:

(a) Where such person had reasonable cause to believe that the minor involved was 18 years old or more, and such minor exhibited to such person a draft card, drivers license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; or

(b) That the person was the parent or guardian of the minor, or that the minor was accompanied by his parent or guardian, or the parent or guardian has in writing waived the application of this Act, either generally or with reference to the particular transaction; or

(c) Where such a person is a bona fide school, museum or public library, or is acting in his capacity as an employee of such organization, or as a retail outlet affiliated with and serving the educational purposes of such organization.

Section 7. (a) It shall be unlawful for any minor to falsely represent to any person referred to in Section 2 or Section 3 of this Act, or to his agent, that such a minor is 18 years of age or older, with the intent to procure any material set forth in Section 2 of this Act, or with the intent to procure such minor's admission to any motion picture or show or other presentation, as set forth in Section 3 of this Act.

(b) It shall be unlawful for any person to knowingly make a false representation to any person referred to in Section 2 or Section 3 of this Act, or to his agent, that he is the parent or guardian of any minor, or that any minor is 18 years of age, with the intent to procure any material set forth in Section 2 of this Act, or with the intent to procure such minor's admission to any motion picture, show or other presentation, as set forth in Section 3 of this Act.

Section 8. (a) Any person convicted of violating Section 2 or Section 3 of this Act is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail or sentenced to hard labor for the county, for not more than one year, and may be fined not more than $5,000 for each offense, or may be both imprisoned and fined, in the discretion of the court.

(b) Any person violating the provisions of Section 7 of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor.

Section 9. The provisions of this Act are severable. If any section, subsection, sentence, clause, phrase or part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick				—32

Nays: —0

Messrs. Giles and Torbert offered the following amendment to the Bill, H. B. 111, as amended by the substitute, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 111

Amend Section 10 of said Substitute for H. B. 111 by striking said Section 10 and insert in lieu thereof the following:

"Section 10. This law is cumulative and shall not be construed to repeal any law or part of any law which may be in conflict with it."

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—33

Nays: —0

And said Bill, H. B. 111, as amended, was then read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—33

Nays: —0

The Bill:

H. 78. To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

was taken up.

Messrs. Skidmore and Gilmore offered the following substitute for the Bill, H. B. 78, to-wit:

SUBSTITUTE FOR H. B. 78

A BILL
TO BE ENTITLED
AN ACT

To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

SECTION I

This Act shall be known and may be cited as the "Alabama Surface Mining Act of 1969."

SECTION II

GENERAL INTENT AND PURPOSE

The objective of this Act is to provide for the safe and reasonable reclamation of lands upon which surface disturbances will be created by certain types of surface mining so as to protect the taxable value of property and preserve natural resources within the state and to protect and promote the health and safety of the people of this state, consistent with the protection of physical property and with maximum employment and the economic and industrial well-being of the state.

SECTION III

DEFINITIONS

Unless clearly indicated otherwise by the context, the following terms when used in this Act, for the purpose of this Act, shall have the meanings respectively ascribed to them in this section:

A. Affected Land means the area of land from which overburden has been removed or upon which overburden has been deposited, after the effective date of this Act.

B. Contiguous means in actual contact, touching, as contrasted with being near but not in contact.

C. Department means the Department of Industrial Relations of the State of Alabama or such department, bureau, or commission as may lawfully succeed to the powers and duties of such Department relating to mining operations.

D. Direct Seeding means the seeding of seeds by hand sowing, machine sowing, or aero-seeding.

E. Director means Director of the Department of Industrial Relations of the State of Alabama or such officer, bureau, or commission as may lawfully succeed to the powers and duties of such Director.

F. Inspector means any authorized employee of the Department of Industrial Relations of the State of Alabama under the direction of the Director.

G. Operator means any person, firm, partnership, association, or corporation engaged in or controlling one or more surface mining operations.

H. Overburden means all of the earth and other materials which lie above natural deposits of coal, clay, sand, gravel, ores, and other minerals except limestone, marble, and dolomite, and also means such earth and other materials disturbed from their natural state in the process of surface mining.

I. Peak means a projected point of overburden created in the process of surface mining.

J. Permit Period means a one-year period commencing on the issuance of a permit to engage in surface mining.

K. Person means any natural person, firm, corporation, association, partnership, joint venture, or representative of any kind, or any other group acting as a unit, and the plural as well as the single number.

L. Pit means a tract of land from which overburden has been or is being removed for the purpose of surface mining.

M. Reclamation means the reconditioning or rehabilitation of affected land in accordance with the requirements of this Act.

N. Refuse means all waste material, exclusive of overburden, directly connected with the mining, cleaning, or preparation of substances mined by surface mining.

O. Ridge means a lengthened elevation of overburden created in the process of surface mining.

P. Surface Mining means the mining of coal, clay, sand, gravel, ores, and other minerals except limestone, marble, and dolomite, by removing the overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed or by mining directly from deposits lying exposed in their natural state.

SECTION IV

NECESSITY OF A PERMIT

No operator shall engage in any surface mining, as defined in this Act, after the effective date of this Act without a valid permit from the Depart-

ment to engage in such surface mining. A separate permit shall be required for each such surface mining operation that is not contiguous to a surface mining operation for which the operator has a valid permit.

SECTION V

APPLICATION FOR AND RECEIPT OF PERMIT

Any operator desiring a permit shall file an application with the Department upon a form furnished by the Department, which form shall contain:

A. A brief description of the tract or tracts of land and the estimated number of acres thereof to be affected by the applicant's surface mining thereon during the permit period. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient clarity so that it may be located and distinguished from other lands. The description shall also include a description of access to the area from the nearest public highway.

B. A statement by the applicant that applicant has the right and power by legal estate owned to mine by surface mining the land so described. Such statement shall set forth by reference the source of applicant's right and power to so mine.

C. A statement as to whether the applicant or any person, partnership, or corporation associated with the applicant holds or has held any other permits under this Act, and an identification of such permits.

D. The post office address of the applicant.

E. A statement by the applicant of the manner in which the applicant intends to conduct reclamation of the affected land.

Such application shall be accompanied by a bond or security meeting the requirements of Section IX of this Act and a filing fee of Two Hundred Fifty Dollars ($250). Upon receipt by the Department of such application, bond, or security, and fee due from the operator, the Department shall issue a permit to the applicant which shall entitle the applicant to immediately engage in surface mining on the land described in the application for a period of one year from the date of issuance of said permit.

SECTION VI

AMENDMENT OF PERMIT

A. An operator desiring to amend a permit issued to him to include additional land may file an amended application with the Department. Upon receipt of the amended application, such increase in the bond or surety as may be required under the provisions of this Act, and payment of a fifty-dollar ($50) fee, the Department shall issue an amendment to the original permit covering the additional land described in the amended application for the period of time remaining in the original permit.

B. An operator desiring to amend a permit issued to him to withdraw land covered by such permit may file an amended application with the Department. Upon receipt of the amended application and upon verification by inspection that the land to be withdrawn is not affected land resulting from surface mining of applicant, the Department shall proportionately reduce the

penalty of the bond or the security filed by the applicant pursuant to the provisions of this Act and shall issue an amended permit covering such land as has not been withdrawn.

SECTION VII

DUTIES OF OPERATOR

A. Every operator to whom a permit is issued pursuant to the provisions of this Act and who engages in surface mining on lands described in such permit shall:

1. Submit to the Department no later than ninety (90) days after expiration of the permit period a map or aerial photograph showing the location of the surface mining operation conducted during the permit period by section, township, range, and county, with such other description as will identify the land upon which the operator has conducted surface mining during such permit period and with a legend upon such map or aerial photograph showing the number of acres of affected land and the reclamation to be made in accordance with this section.

2. Carry on grading of affected land to reduce peaks and ridges to a rolling topography by working any ridges of removed overburden by grading the same to a width of at least ten (10) feet at the top and working peaks created by the operator's surface mining operation by grading the same at the top to a minimum of fifteen (15) feet in width.

3. Cover the surface of any toxic material left exposed by operator's surface mining operation in the bottom of the pit with overburden material to a distance of at least two (2) feet above the deposits being surface mined, or by a permanent water impoundment.

4. Divert water from the mining operation in a manner designed to reduce siltation, erosion, or other damage to streams and natural water courses.

B. In addition to the requirements set forth in Subsection A of this section, the operator shall, as a minimum, plant tree-planting stock on or direct-seed the affected land with seed or seedlings of native commercial species. Where the operator elects to plant tree-planting stock on all or a portion of the affected land, the planting shall be carried out based on a spacing of ten (10) feet, approximately 435 trees per acre; and planting methods shall be governed by good planting practices. Where the operator elects to direct-seed all or a portion of the affected land, the direct-seeding shall be so conducted as to result in establishment, one year after the sowing, of between 400 and 450 tree seedlings per acre. In the event direct-seeding does not result in establishment within one year of between 400 and 450 tree seedlings per acre, the operator shall thereupon conduct such additional seeding or planting as is necessary to result in establishment of 400 to 450 tree seedlings per acre. All seeds to be sown by direct-seeding shall be treated with bird and rodent repellent. No operator shall be required, however, to:

1. Make planting, seeding, or in any other way revegetate affected land used by the operator for the deposit or disposal of refuse or within depressed haulage roads or final cuts or other areas where pools or lakes may be formed by rainfall, drainage runoff, or otherwise.

2. Make planting, seeding, or in any other way revegetate affected land so long as the chemical and physical characteristics of the soil of such af-

fected land are toxic, deficient in plant nutrients, composed of sand, gravel, shale, or stone, to such extent as to seriously inhibit plant growth. Where natural weathering and leaching of any such affected land over a period of ten (10) years from expiration of the permit period fail to remove the toxic and physical characteristics inhibiting to plant growth, or at any time after three (3) years from the expiration of the permit period the Department determines that any of such affected land is and during the remainder of said ten (10) year period will be unplantable, the operator shall be relieved of all obligations under the provisions of this Act with respect to such affected lands.

3. Make planting or seeding until sufficient planting stock or seeds of desired tree species are available from the State or elsewhere.

C. An operator with the legal title or right may construct dams of earth or other material in cuts of all operations where lakes may be formed, and cause lakes to be formed, provided that the formation of said lakes will not interfere with underground or other mining operations or cause damage to adjoining property.

D. On all affected land which is to be reforested, the operator shall construct fire lanes or access roads, which fire lanes or access roads shall be not less than twelve (12) feet in width and not more than one-fourth (¼) section apart at their nearest point. Where such fire lanes and access roads are adjacent to public roads or highways, said fire lanes and access roads shall be constructed so as to be just inside the boundary of such reforested area.

E. In substitution for the grading and revegetation requirements set forth in Subsections A and B of this section, the operator may elect to reclaim the land for range, agricultural or horticultural, homesite, recreational, industrial, or commercial use; but no such election shall result in grading to a lesser extent than set forth in Subsection A of this section. The revegetation or other requirements applicable to such range, agricultural or horticultural, homesite, recreational, industrial, or commercial use shall be in accordance with rules or regulations prescribed by the Department.

F. With the approval of the Department, the operator may substitute for all or any part of the affected land to be reclaimed an equal number of acres of land previously mined and not reclaimed. If any area is so substituted, the operator shall submit a map or aerial photograph of the substituted area, which map or aerial photograph shall conform to all the requirements with respect to other maps or aerial photographs required to be submitted under this section. The operator shall be relieved of all obligations under this Act with respect to the land for which substitution has been permitted and shall reclaim the substituted land.

G. The operator shall complete the reclamation of all affected land within three (3) years from the date of expiration of the permit period, except as Subsection B-2 of this section may permit an additional period within which to complete reclamation.

SECTION VIII

ENTRY UPON LANDS FOR INSPECTION

Inspectors of the Department may enter upon the lands of the landowner at any reasonable time for the purpose of inspection to determine whether the provisions of this Act have been complied with.

SECTION IX

BOND OF OPERATOR, AMOUNT, SUFFICIENCY OF SURETY, CUSTODY, SUBSTITUTIONS, RELEASE OR REDUCTION ON NOTICE OF COMPLETION OF RECLAMATION, INSPECTION TO BE BY REGISTERED FORESTER, CANCELLATION BY SURETY WITH SUSPENSION OF OPERATOR'S PERMIT

A. Any bond herein provided to be filed with the Department by the operator shall be in such form as the Director prescribes, payable to the State of Alabama and conditioned that the operator shall faithfully perform all applicable requirements of this Act and comply with all applicable rules of the Department made in accordance with the provisions of this Act. Such bond shall be signed by the operator, as principal, and by a good and sufficient corporate surety licensed to do business in the State of Alabama, as surety. The penalty of such bond shall be One Hundred Fifty Dollars ($150) for each acre covered by the permit. In lieu of such bond, the operator may elect to deposit cash or negotiable bonds of the United States Government or the State of Alabama, or any municipality within the State, with the Department in lieu of a corporate surety. The cash deposit or market value of such securities shall be equal at least to the sum of the bond. The Department shall, upon receipt of any such deposit of cash or securities, immediately place the same with the State Treasurer, whose duty it shall be to receive and hold the same in the name of the State, in trust, for the purposes for which such deposit is made. The State Treasurer shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit shall be entitled from time to time to demand and receive from the State Treasurer, on the written order of the Director, the whole or any portion of any securities so deposited, upon depositing with him in lieu thereof other negotiable securities of the classes herein specified having a market value at least equal to the sum of said cash deposits or securities, deposited as aforesaid, mature or are called, the State Treasurer, at the request of the operator, shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator. The total penalty of the bond or amount of cash and securities shall be increased or reduced from time to time as land is added to or withdrawn from the permit as provided in this Act.

B. Whenever an operator shall have completed all applicable requirements under the provisions of this Act as to any affected land, he shall notify the Department thereof. The Department shall within thirty (30) days after notification by the operator inspect the affected land completed by the operator and, if the land has been reclaimed as required by this Act, shall release the operator from further obligations regarding such affected land and reduce or release the bond or substituted cash or securities of the operator. Inspections by the Department under this Subsection 9 B shall include inspection by a registered forester.

C. A bond filed as above prescribed shall be conditioned so that it cannot be cancelled by the surety except after not less than ninety (90) days' written notice to the Department. If a bond is cancelled after such notice, the operator shall, on or before the effective date of such cancellation, substitute for such bond another bond or cash or securities as provided herein.

D. If the license to do business in the State of any surety upon a bond filed with the Department pursuant to this Act shall be suspended or revoked, the operator, within thirty (30) days after receiving written notice thereof

from the Department, shall substitute for such surety a good and sufifcient corporate surety licensed to do business in the State of Alabama, or another bond, or cash or securities in lieu thereof as provided hereinabove.

E. The failure of the operator to make substitution of surety as provided in Subsections C and D next above shall result in the automatic suspension of the permit of the operator to conduct mining operations on the land described in such permit, and the operator shall not conduct further or additional mining operations on the land described in such permit until substitution as provided hereinabove has been made on the surety.

SECTION X

VIOLATIONS, ADMINISTRATIVE PROCEDURES, AND APPEALS FROM ORDERS OF THE DIRECTOR

A. Whenever the Director determines that any operator has not complied with the provisions of this Act and is therefore in violation of this Act, the Director may cause to have issued and served upon the person alleged to be committing such violation a written notice which shall specify the provision of this Act which such operator allegedly is violating, and a statement of the manner in, and the extent to which said operator is alleged to violate this Act, and shall require the person so complained against to answer the charges of such formal complaint at a hearing before the Director at a time not less than thirty (30) days after the date of notice. The Director shall issue subpoenas at the instance of the Department and at the request of the charged operator, requiring the attendance of witnesses and the production of such papers and documents as are relevant to such hearing. The charged operator may appear in person or by representative counsel at such hearing; testimony shall be taken under oath and recorded stenographically at such hearing; and the charged operator may cross-examine witnesses at such hearing. A copy of the record of such hearing shall be furnished to the charged operator upon payment of the cost of such copy. The Director shall enter such order as he deems appropriate to effectuate the purposes of this Act and forthwith mail a copy thereof to the charged operator or its attorney of record. If such order of the Director is not complied with in the required time, the Director may then commence proceedings under Section XI of this Act.

B. Any operator subjected to any order of the Director may institute proceedings to have the order reviewed in the Circuit Court, sitting in equity, of the judicial circuit in which the operator has his principal place of business in Alabama, or of the judicial circuit where the property affected by the order is located, provided that such proceeding is filed in said court within thirty (30) days following the date of such order. The Director shall be made a party to the court proceeding; and service shall be made upon the Director, whose domicile for the purpose of service shall be deemed to be the office of the Director in Montgomery, Alabama. The cause shall be tried de novo as an original hearing on the equity side of said Circuit Court and shall be a preference case on the docket thereof. The Court shall have jurisdiction to determine the reasonableness and lawfulness of the order of the Director. Upon a finding by the Court that the order is not reasonable or lawful, the cause shall be remanded to the Director for further proceedings in accordance with the provisions of this Act. The parties shall have all rights of exception and appeal as in other equity cases. On any appeal of an order of the Director, the operator may, upon application to the Court, supersede any decree rendered on giving such supersedeas bond in the amount the Court deems proper and necessary to avoid the likelihood of material damage. Such

a bond shall be made payable to the State of Alabama. If a supersedeas bond has been given on appeal to the Circuit Court as hereinabove provided for, such bond shall continue in force and effect during an appeal to the Supreme Court and until final adjudication of the cause, and all the conditions of such bond shall be complied with, and no other supersedeas bond need be given by the operator unless the court hearing the cause shall determine that the amount of such supersedeas bond is either excessive or inadequate, in which case the court may order such supersedeas reduced or increased as the court may decide.

SECTION XI

VIOLATIONS, LEGAL REMEDIES, ENFORCEMENT PROCEEDINGS, AND PENALTIES

A. Should the Director determine that any final order or determination made by him, not then the subject of judicial review, is being violated by any operator, then the Director may cause to have instituted a civil action in any court of competent jurisdiction to forfeit the bond of the operator as to land affected by the operator's violation of this Act or for injunctive or other appropriate relief to prevent any further or continued violation of such final order or determination.

B. Any person required by this Act to have a permit who engages in surface mining without a valid permit to do so as prescribed by this Act shall be deemed guilty of a violation of this Act and, upon complaint made by the Director in a court of competent jurisdiction and conviction thereof, shall be fined not less than Five Hundred Dollars ($500) nor more than Five Thousand Dollars ($5,000) and shall be required to post a bond or surety as provided in Section VII of this Act and to reclaim the affected land, resulting from the operator's surface mining without a permit in accordance with the requirements of Section VII of this Act.

C. Any person who willfully misrepresents any fact or willfully gives false information in any application or report under this Act shall be fined not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) for each offense.

D. The parties shall have all rights of exception and appeal.

SECTION XII

FUNDS, RECLAMATION ON FORFEITURES, RECLAMATION ON CONTRACTS, FACILITIES AND PERSONNEL

A. All fees and penalties collected under the provisions of this Act shall be deposited in the general revenue fund of the State Treasury.

B. All funds received from the forfeiture of bonds, sureties, cash, or governmental securities shall be placed in the State Treasury and credited to a special agency account hereby created and designated as the Surface Mining Reclamation Fund. The Department shall, for each bond, surety, or deposit of cash or securities forfeited, utilize the proceeds of such forfeiture for the reclamation of the affected land to which the forfeiture relates; however, as funds in the strip mine reclamation fund are available and adequate therefor, the director may establish and carry out a systematic schedule for the reclamation and revegetation of lands which have been affected by strip mining operations but with respect to which there is no obligation on any person

under the provisions of this Act to reclaim or revegetate. The Department may cause the reclamation work to be done by employees of other governmental agencies or through contracts with qualified vendors. The Department and any contractor under a contract with the Department shall have the right of access to the land affected to carry out such reclamation.

C. The Department is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act.

SECTION XIII

ADMINISTRATION

Any act authorized to be done by the Director of the Department of Industrial Relations of the State of Alabama, may be performed by the Inspector, Assistant Inspector, or any employee of the Department when designated by the Director. The Superintendent may adopt and promulgate reasonable rules and regulations respecting the administration of this act and in conformity therewith.

SECTION XIV

APPROPRIATIONS

There is hereby appropriated to the Department out of the general fund in the State Treasury not otherwise appropriated the sum of $22,300 for the fiscal year beginning October 1, 1969, and ending September 30, 1970, and the sum of $22,000 for the fiscal year beginning October 1, 1970, and ending September 30, 1971, to be used for carrying out the purposes of this Act. There is hereby appropriated to the Department all funds appropriated or made available to said Department by the Congress or the federal government for the purpose of carrying out this Act.

SECTION XV

APPLICABILITY

The provisions of this Act shall not apply to surface mining activities of the State Highway Department, or city, county or municipality, incident to their activities in constructing, repairing, and maintaining the public road system in Alabama. The provisions of this section shall also extend to any person, firm, or corporation contracting with the State Highway Department, city, county or municipality, to construct, repair, and maintain public roads, provided such contracts contain standards for the reclamation of all affected surface mining areas, and provided further that such standards have been approved by the Department.

SECTION XVI

REPEAL

It is intended that this Act shall supplement existing law regarding the inspection or regulation of mining, water pollution, and water impoundment and that only provisions of such law which directly conflict with or are inconsistent with this Act are hereby repealed to the extent of such conflict or inconsistency.

SECTION XVII

SEVERABILITY

The provisions of this Act are severable; and if any part, section, subsection, clause, paragraph or phrase of this Act shall be adjudged to be invalid or unconstitutional by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the part, section, subsection, clause, paragraph or phrase of this Act that shall be directly involved in the controversy in which such judgment shall have been rendered.

SECTION XVIII

EFFECTIVE DATE

This Act shall become effective on Oct. 1, 1970.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Folsom	Leonard	Radney	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—29

Nays: —0

And said Bill, H. B. 78, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Folsom	Leonard	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—29

Nays: —0

The Bill:

S. 720. To authorize county and city boards of education to use certain portions of federal funds allocated pursuant to Title 1 for part payment of the salaries and expenses of certain county and city superintendents of education, and to provide for the determination of such proportionate amounts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 4.

Yeas:

Messrs.:	Gilmore	Leonard	Pelham	
Branyon	Givhan	Lolley	Skidmore	
Childs	Goodwyn	McCarley	Stone	
Clark	Harris	McDermott	Torbert	
Cooper	Hawkins	Morrow	Turner	
Dominick	Jackson	Oden	Vacca	
Giles				—24

Nays:

Messrs.:				
Bailes	Nabors	Pierce	Radney	
				—4

The Bill:

S. 558. To make further provisions regarding the licensing of trucks and truck-tractors to allow proper credit and the quarterly declining basis under stated circumstances where a higher license than that previously issued is required for any fiscal or license year by change in gross vehicle weight allowance or in the use of the vehicle, to provide penalties for improper licensing, and to repeal all laws or parts of laws in conflict herewith.

was taken up.

Mr. Harris offered the following amendment to the Bill, S. B. 558, to-wit:

AMENDMENT TO S. B. 558

Amend Section 2 by deleting therefrom the words "inspection" and "audit" wherever these words appear.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson	Pelham		—30

Nays: —0

And said Bill, S. B. 558, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Albea	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Skidmore	
Branyon	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—29

Nays: —0

ADJOURNMENT

At 6:45 P.M., on motion of Mr. O'Bannon, the Senate adjourned until Thursday, August 7, 1969, at 11 o'clock A.M.

TWENTY-EIGHTH LEGISLATIVE DAY

THURSDAY, AUGUST 7, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank Arnold, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson	Oden		—34

JOURNAL

On motion of Mr. Lolley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of

the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Cooper, leave of absence was granted Mr. Adams for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Turner:

S. B. 842. To make an appropriation to the office of the Attorney General and to provide for special investigators, clerical assistants, equipment, travel and other necessary expenses.

Committee on Finance and Taxation.

By Messrs. Goodwyn and Pierce:

S. B. 843. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Committee on Local Legislation No. 1.

By Mr. Stone:

S. B. 844. To amend further Code of Alabama 1940, Title 48, Section 302, to include under the definitions of "utility", community antenna television systems (C A T V).

Committee on Public Buildings
and Grounds.

By Mr. Torbert:

S. B. 845. To amend Section 606, Title 51, Code of Alabama, 1940, relating to privilege licenses.

Committee on Finance and Taxation.

By Mr. Radney:

S. B. 846. To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Tallapoosa County for the Department of Public Safety.

Committee on Finance and Taxation.

By Messrs. Vacca, O'Bannon, Bailes and Leonard:

S. B. 847. To amend further Code of Alabama 1940, Title 51, Section 2, which relates to exemptions from ad valorem taxation, so as to provide further for the exemption of property of blind persons.

Committee on Finance and Taxation.

By Mr. McDermott:

S. B. 848. To create one additional circuit court judgeship for any judicial circuit composed of a single county having a population of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; to provide for the election of a judge for such judgeship; to prescribe the jurisdiction, power, authority, duties, responsibilities, qualifications and compensation of such judge; to abolish the office of judge of the juvenile court of any county coming within the influence of this Act, but not the juvenile court of such county; to change the name of such juvenile court to the juvenile division of the circuit court of the circuit composed of the county in which such juvenile court exists; and to provide that such additional judge shall be ex officio judge of the juvenile court in addition to performing his other duties and responsibilities.

Committee on Finance and Taxation.

By Mr. Skidmore:

S. B. 849. To authorize state, county and municipal employees to organize for collective bargaining purposes; to allow the state, counties, municipalities and their agents to recognize employee organizations and designated bargaining units, and to negotiate with such bargaining units as to certain working conditions; to provide for designation and composition of the bargaining units by the State Department of Labor; to provide for arbitration of disputed matters; to prohibit the right to strike; and to repeal conflicting laws.

Committee on Immigration, Industrial Resources and Labor.

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hill and Haygood (with notice and proof):

H. 923. Relating to the office of sheriff of Lauderdale County; providing further for the operation of such office; making further provisions respecting the number and employment of deputies and assistants for such officer; providing for their compensation; and repealing conflicting laws.

By Messrs. Haygood and Hill (with notice and proof):

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

By Messrs. Hill and Haygood (with notice and proof):

H. 926. Relating to Lauderdale County; prescribing a fee for the issuance of pistol permits by the sheriff's office, and providing for the disposition thereof.

By Messrs. Hill and Haygood (with notice and proof):

H. 928. To regulate the compensation, fees and commissions of the judge of probate of Lauderdale County, providing for payment into the general fund of the county of a portion of the commissions accruing to the judge of probate for remittance of money collected on the issuance and sale of motor vehicle licenses.

By Messrs. Hill and Haygood (with notice and proof):

H. 924. To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; and to regulate further the places for registration of applicants therefor.

By Messrs. Hill and Haygood (with notice and proof):

H. 925. To amend Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, and provides for the taxing and collection of additional court costs in certain courts in the county to finance such library; to provide further for the taxing and collection of additional court cost for such purpose.

By Mr. Folsom:

S. 831. To validate amounts expended by the board of revenue, court of county commissioners, or other like governing body, of any county with not less than 42,000 nor more than 46,000 population, according to the last or any subsequent federal decennial census, for gifts to hospital patients of the county, holiday advertisements by the county, premiums paid on bonds of the coroner, and appropriations made to private schools during the period October 1, 1964 through September 30, 1966.

By Mr. Branyon:

S. 832. To regulate the compensation of jurors in counties having populations of not less than 15,500 nor more than 16,300.

By Mr. Branyon:

S. 833. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

By Mr. Branyon:

S. 834. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

By Mr. Branyon:

S. 836. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

By Mr. Branyon:

S. 837. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

By Mr. Branyon:

S. 835. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

By Mr. Radney:

S. 828. Relating to counties having populations of not less than 26,000 nor more than 27,000; providing further for the compensation and allowance of the superintendent of education of any such county; and to validate payment of compensation and allowances received by such superintendent of education prior to the effective date of this Act.

By Mr. Albea:

S. 825. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

By Mr. McDermott:

S. 821. Relating to counties having populations of not less than 300,000 nor more than 500,000; providing an expense allowance for the director of the personnel department in any such county.

By Messrs. Starnes and Drake:

H. 1018. Relating to judicial circuits composed of one county which county has a population of not less than 47,000 and not more than 49,000 and which county has two courthouses; authorizing the district attorney of such circuit to appoint a secretarial assistant; to prescribe the powers, duties and compensation of such assistant; and to provide for the payment of his compensation out of the general fund of the county composing such circuit.

By Messrs. McDermott and Engel:

S. 819. To amend Section 3 of Act No. 584, H. B. 795, Regular Session, 1963, Acts 1963, (P. 1278 et seq), an act relating to the establishment and operation of Regional Planning Commissions in the State of Alabama.

By Mr. Oden:

S. 841. Relating to law enforcement in all counties having populations of not less than 21,900 nor more than 22,300, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

By Messrs. Starnes and McDonald:

H. 949. Relating to counties having populations of not less than 47,000 nor more than 49,000; authorizing the county governing body to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county.

By Messrs. Goodwyn and Pierce (with notice and proof):

S. 840. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 5, Township 15 North, Range 18 East, Montgomery County, Alabama.

Mr. Hawkins, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Grayson et al:

H. 961. To prohibit the use of public state funds for the purposes of conducting courses of study in sex education in the public schools of the State of Alabama, to otherwise provide with reference to courses of study in sex education in the public schools of the State of Alabama, and to provide with respect thereto.

Mr. McDermott, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Engel:

S. 318. To propose and provide for the submission of an amendment to the Constitution of Alabama to amend Amendment CCLXIX to said constitution proposed by Act No. 274, H. 297, Regular Session 1967 authorizing counties and municipalities to levy and collect additional property taxes for public library purposes, so as to provide further for the rate of the tax and the manner in which elections under this amendment shall be called.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Harris:

S. 672. To amend Code of Alabama 1940, Title 37, Section 557, which relates to the payment of municipal improvement assessments, in relation to the rate of interest to be charged when such assessments are paid in installments or are delinquent.

By Mr. Brannan et al:

H. 5. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

By Mr. Hill:

H. 566. To provide for inclusion of shelters from radioactive fallout in new public buildings and structures erected in the state wherein the use of state funds are involved, including all public school buildings and structures and buildings or structures of colleges and universities.

By Mr. Hill:

H. 567. To authorize municipalities and county governing bodies to require the inclusion of radioactive fallout protection in new public buildings or structures.

By Mr. Watkins et al:

H. 1036. To provide that upon a municipality annexing any district created under Act No. 79 of the Special Session of the Legislature of 1966 to fight or prevent fires, or to fight or prevent fires and collect and dispose of garbage, persons employed by the district to fight fires shall become employees of such municipality subject to the conditions stated in this Act.

Mr. Leonard, Chairman of the Standing Committee on Counties and County Boundaries, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith:

H. 562. To designate marble as the official rock of the State of Alabama.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tuck et al:

H. 71. To confer on each municipality in the state the power to acquire and develop industrial parks and to expend moneys for such purpose, and the power to sell property forming a part of an industrial park for not less than the reasonable market value of the property so sold as established by independent appraisals.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner (with substitute):

S. 110. To amend further Section 89 of Title 36, Code of Alabama (1940), as amended, which limits the size and weight limits of motor vehicles and loads, and prescribes exemptions therefrom.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Engel:

S. 839. To prohibit contracts for public works between the State of Alabama and any of its political subdivisions and any foreign corporation or other foreign entity which has not qualified to do business in Alabama in accordance with the provisions of section 21(90) and 21(91) of Title 10, Code of Alabama of 1940; to provide, in addition to any other remedies and penalties, for the enjoining of unlawful doing of business in Alabama by foreign corporations or other foreign entities; to establish the procedure to be followed in such cases; to provide the procedure for issuance of instanter temporary injunctions ex parte in such cases; to provide that injunctions shall issue in such cases without requiring bond; and to provide for filing actions for injunctions in such cases in any circuit court in this state.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holman et al:

H. 596. Applicable in each county having a population exceeding 600,000 according to the then next preceding federal decennial census; and providing that a permit from the governing body of each such county shall be a prerequisite to the use of public highways and other public ways in the county for construction, installation or commencement of operation therein of public water facilities.

By Mr. Dill et al:

H. 1077. To further amend Section 9 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, Page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such System retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

By Mr. Dill et al:

H. 1078. To authorize any city having a population of 300,000 or more according to the last or any subsequent Federal decennial census, in which said city there shall have been or hereafter shall be created a public building corporation as provided for in Act Number 493, 1955 Acts of Alabama, as now or hereafter amended, to lease or convey to such public building corporation any property which shall have been acquired by such public building corporation as a result of any "project" after the bonds have been paid in full, notwithstanding Section 21 of said Act Number 493, as same may have been or may hereafter be amended.

By Mr. Dill et al:

H. 1079. To further amend Section 23 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579 et

seq.), which created for each city having a population of two hundred and fifty thousand (250,000) or more, according to the last or any succeeding Federal Census, a Pension and Relief or Retirement System for Officers and Employees of such city.

By Mr. Dill et al:

H. 1081. Relating to counties having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census; to provide for additional times when real property may be returned and valued for ad valorem tax purposes.

By Mr. Dill et al (with notice and proof):

H. 1083. To amend further the Title, subsection (e) of Section 1, and Section 2 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, P. 717 et seq.), which established a Pension System for the officers and employees of Jefferson County, Alabama.

Mr. Oden, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cherner:

H. 458. To provide for safety inspection of bridges on public highways and streets; maintain written reports of safety inspections; posting of safe load limits for bridges; placing barricades for bridges under construction, under repair and condemned bridges; and maintaining a current inventory of all bridges on the State highway system.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite et al:

H. 281. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the State Treasury.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite et al (with substitute):

H. 283. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of Alabama (1940), as

amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

RESOLUTIONS

Messrs. Turner, McDermott, Stone and Nabors offered the following Senate Joint Resolution, to-wit:

S. J. R. 74. WHEREAS, The Honorable Richard Lee Holmes, Director of the Alabama Department of Industrial Relations, has been nominated by the Montgomery Jaycees to be considered as one of Alabama's Four Outstanding Young Men; and

WHEREAS, this outstanding individual has made many outstanding contributions to his profession as an attorney, to the department which he heads and the State of Alabama through his faithful and dedicated service; and

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of Alabama, the House of Representatives thereof concurring that we commend the Montgomery Jaycees on their wise judgment in nominating a person of exemplary character, and one who richly deserves this recognition because of his unending service to his fellowmen:

BE IT FURTHER RESOLVED that the Alabama Legislature extend to Mr. Holmes our congratulations on his selection to represent Montgomery in this competition, and it is our sincere hope that he will be among the four finalists:

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Holmes and to the Montgomery Jaycees.

On motion of Mr. Turner, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 760. To create a junior college board; to repeal conflicting laws.

was taken up.

Mr. Hawkins offered the following substitute for the Bill, S. B. 760, to-wit:

SUBSTITUTE FOR S. B. 760

A BILL
TO BE ENTITLED
AN ACT

To create a state junior college board; to prescribe its duties, powers and authority; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a state junior college board which shall consist of the presidents of the seventeen state junior colleges in this State.

Section 2. The board shall select one of its members to serve as chairman. The chairman shall serve a term of one year but may be re-elected. The board shall meet upon call of the chairman or of the state superintendent of education. The members of the board shall receive no compensation.

Section 3. The board shall be an advisory board to the state board of education on matters of policy regarding the operation of the public junior colleges and ways and means to effect articulation and coordination of junior colleges with other institutions. Before any new junior college is established the board shall advise with the state board of education relative thereto; and it shall also review all capital outlay requests for state appropriations for junior colleges and advise with the state board of education relative thereto. It shall perform such other duties as may be delegated to it by law or by the state board of education. In performance of these responsibilities, the board shall be authorized to make studies and to employ such consultants or professional assistance as may be necessary and advisable, if funds are available therefor.

Section 4. All laws or parts of laws which conflict with this act are repealed; but nothing in this act shall be construed as repealing any provision of the Alabama Trade School and Junior College Authority Acts as provided in Act No. 93, H. 102, Second Special Session 1963 (Acts 1963, p. 259), or of Act No. 94, H. 103, Second Special Session 1963 (Acts 1963, p. 268) providing for the authority and responsibility of the state board of education for trade schools and junior colleges.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:				
Albea	Folsom	Lolley	Pelham	
Bailes	Giles	McCarley	Radney	
Carr	Harris	McDermott	Turner	
Childs	Hawkins	Nabors	Vacca	
	Leonard	O'Bannon		—18

Nays: —0

And said Bill, S. B. 760, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 1.

Yeas:

Messrs.:				
Albea	Folsom	McCarley	Pierce	
Bailes	Giles	McDermott	Radney	
Carr	Hawkins	Nabors	Torbert	
Childs	Leonard	O'Bannon	Turner	
Cooper	Lolley	Pelham	Vacca	
				—20

Nay: Mr. Dominick —1

The Bill:

S. 761. To grant authority to junior colleges and trade schools to borrow money in anticipation of current revenues and pledge current revenues for payment of such loans if funds are not sufficient to pay teachers' salaries for any given month.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Lolley	Radney	
Albea	Folsom	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Torbert	
Carr	Hawkins	Nabors	Turner	
Childs	Leonard	O'Bannon	Vacca	
Cooper	Lindsey	Pierce		—22

Nays: —0

The Bill:

S. 762. To propose an amendment to the Constitution of Alabama to authorize the levying of a special school tax in each county in which a junior college is located for the support of the junior colleges within the county.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 1.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Albea	Gilmore	McDermott	Skidmore	
Bailes	Hawkins	Nabors	Torbert	
Carr	Leonard	O'Bannon	Turner	
Childs	Lindsey	Pierce	Vacca	
Dominick	Lolley			—21

Nay: Mr. Cooper —1

The Bill:

H. 826. To make an appropriation to the Alabama Institute for Deaf and Blind for Capital Outlay purposes.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	O'Bannon	
Albea	Dominick	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Carr	Hawkins	McDermott	Skidmore	
Childs	Leonard	Nabors	Turner	
				—19

Nays: —0

The Bill:

H. 423. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, H. 29, approved May 24, 1951 (Acts of Alabama 1951, p. 259); in relation to the periods during which service must be rendered, the duration of such service and the time of residence in Alabama of the veteran entitled to benefits under the Act; to eliminate certain redundancies in the Act; to clarify certain ambiguities therein; and to provide that the benefits authorized therein shall be in addition to other state and federal benefits accorded to children, wives and Widows of the Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	O'Bannon	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Carr	Gilmore	McCarley	Skidmore	
Childs	Harris	McDermott	Turner	
Cooper	Hawkins	Nabors	Vacca	
Dominick				—24

Nays: —0

The Bill:

S. 580. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

was taken up.

Mr. Pierce offered the following amendment to the Bill, S. B. 580, to-wit:

AMENDMENT TO S. B. 580

Amend S. B. 580 by the following: In the 6th line of Section 1, delete the written "one" and in lieu thereof, put the written word "two," and change the word "year" to the word "years," and after the word "after" in the same sentence, delete the words "such act or ommision," and in lieu thereof put the words, "final completion of such improvements."

In next to the last line of Section 1, delete the written word "five" and in lieu thereof put the written word "seven."

Which was adopted.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Folsom	McCarley	Pierce	
Albea	Gilmore	McDermott	Skidmore	
Carr	Hawkins	Nabors	Turner	
Cooper	Leonard	O'Bannon	Vacca	
Dominick	Lolley	Oden		—18

Nays: Messrs. Bailes and Lindsey —2

Mr. McDermott offered the following amendment to the Bill, S. B. 580, as amended, to-wit:

AMENDMENT TO S. B. 580, AS AMENDED

Strike out Section 2 and re-number the following sections accordingly.

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Givhan	Lindsey	O'Bannon	
Carr	Goodwyn	Lolley	Oden	
Dominick	Hawkins	McDermott	Pierce	
Folsom	Leonard	Nabors	Vacca	
Gilmore				—16

Nays: Messrs. Harris and Radney —2

Mr. Lindsey moved that further consideration of the Bill, S. B. 580, as amended, be postponed until the Thirtieth Legislative Day. On motion of Mr. Pierce, the motion to postpone was laid on the table.

Yeas 14; Nays 6.

Yeas:

Messrs.:	Givhan	Lolley	Pierce	
Bailes	Goodwyn	McDermott	Torbert	
Carr	Hawkins	Nabors	Turner	
Gilmore	Leonard	Oden		—14

Nays:

Messrs.:	Cooper	Harris	Radney	
Albea	Dominick	Lindsey		—6

And said Bill, S. B. 580, as amended, was then read a third time at length and passed.

Yeas 13; Nays 8.

Yeas:

Messrs.:	Goodwyn	McDermott	Pierce	
Carr	Hawkins	Nabors	Torbert	
Gilmore	Leonard	Oden	Turner	
Givhan	Lolley			—13

Nays:

Messrs.:	Cooper	Harris	Radney	
Albea	Dominick	Lindsey	Vacca	
Bailes				—8

The Bill:

S. 757. To amend Section 12 of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330 at p. 334), an Act relating to the construction, maintenance and operation of public hospitals, health centers and related facilities, so as to provide for the leasing of such public hospitals, health centers and related facilities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Givhan	McDermott	Radney	
Albea	Goodwyn	Morrow	Skidmore	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Torbert	
Carr	Leonard	Oden	Turner	
Cooper	Lindsey	Pelham	Vacca	
Engel	Lolley	Pierce		—26

Nays: —0

The Bill:

S. 816. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harris	Morrow	Skidmore	
Albea	Hawkins	Nabors	Stone	
Bailes	Leonard	O'Bannon	Torbert	
Cooper	Lindsey	Pelham	Turner	
Givhan	Lolley	Radney	Vacca	
Goodwyn	McDermott			—21

Nays: —0

POINT OF PERSONAL PRIVILEGE

Mr. Morrow requested and received unanimous consent that the Journal show that the Standing Committee on Rules was in Session from 11:45 A.M. to 12:45 P.M., and was therefore not in the Senate Chamber during the preceding roll calls.

BILLS ON THIRD READING RESUMED

The Bill:

S. 644. To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

was taken up.

Messrs. Torbert and Radney offered the following amendment to the Bill, S. B. 644, to-wit:

AMENDMENT TO S. B. 644

Amend Section 3 of S. B. 644 in the following manner:

Add to Section 3 of the bill, the following sentence: Provided further that upon the effective date of this act, and upon the enactment of legislation

creating a fourth judgeship for the Fifth Judicial Circuit, such fourth judgeship shall be designated judgeship No. 3, and thereafter there shall be three judges in the Fifth Judicial Circuit.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Givhan	Lolley	Pelham
Albea	Goodwyn	McDermott	Radney
Bailes	Harris	Morrow	Skidmore
Carr	Hawkins	Nabors	Torbert
Cooper	Leonard	O'Bannon	Turner
Giles	Lindsey	Oden	Vacca

—23

Nays: —0

And said Bill, S. B. 644, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwyn	McDermott	Radney
Albea	Harris	Morrow	Skidmore
Bailes	Hawkins	Nabors	Stone
Cooper	Leonard	O'Bannon	Torbert
Giles	Lindsey	Pelham	Turner
Givhan	Lolley	Pierce	Vacca

—23

Nays: —0

The Bill:

S. 815. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	McCarley	Pelham
Albea	Goodwyn	McDermott	Pierce
Bailes	Harris	Morrow	Radney
Branyon	Hawkins	Nabors	Skidmore
Childs	Leonard	O'Bannon	Stone
Cooper	Lindsey	Oden	Vacca
Giles	Lolley		

—25

Nays: —0

The Bill:

S. 775. To make an appropriation for the payment of expenses of the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Pierce	
Albea	Gilmore	McDermott	Skidmore	
Bailes	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Lindsey	Oden	Vacca	
Engel	Lolley	Pelham		—26

Nays: —0

The Bill:

S. 515. To amend Code of Alabama 1940, Title 15, Section 277, so as to eliminate the necessity of impaneling a jury in certain criminal cases when the defendant, upon arraignment or prior to trial, pleads guilty.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Oden	
Albea	Givhan	McCarley	Pelham	
Bailes	Goodwyn	McDermott	Pierce	
Branyon	Harris	Morrow	Skidmore	
Cooper	Hawkins	Nabors	Turner	
Engel	Lindsey	O'Bannon	Vacca	
Giles				—24

Nays: —0

The Bill:

H. 418. To make a conditional appropriation from the Alabama special educational trust fund in the state treasury to the use of the Alabama Educational Television Commission.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Oden	
Albea	Givhan	McCarley	Pierce	
Bailes	Goodwyn	McDermott	Stone	
Cooper	Harris	Morrow	Turner	
Engel	Hawkins	Nabors	Vacca	
Giles	Lindsey	O'Bannon		—22

Nays: —0

The Bill:

H. 119. To amend Section 254 of Title 13 of the Code of Alabama of 1940 which relates to the appointment and compensation of Deputy Solicitors or Deputy District Attorneys of the Thirteenth Judicial Circuit.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Givhan	Lolley	Oden	
Albea	Goodwyn	McCarley	Pierce	
Bailes	Harris	McDermott	Stone	
Cooper	Hawkins	Morrow	Turner	
Engel	Leonard	Nabors	Vacca	
Gilmore	Lindsey	O'Bannon		—22

Nays: —0

The Bill:

H. 213. Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12(2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	O'Bannon	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Torbert	
Branyon	Harris	McDermott	Turner	
Carr	Hawkins	Morrow	Vacca	
Clark	Leonard	Nabors		—22

Nays: —0

The Bill:

S. 724. To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Dallas County for the Department of Public Safety.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pierce	
Albea	Gilmore	McCarley	Radney	
Bailes	Givhan	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Stone	
Carr	Harris	Nabors	Torbert	
Cooper	Leonard	O'Bannon	Turner	
Folsom	Lindsey	Oden	Vacca	
				—27

Nays: —0

The Bill:

S. 571 To amend further Section 2 of the Farmers Market Authority Act, Act No. 672, S. 99 of the Regular Session of 1965, as heretofore amended by Act No. 174, H. 117 of the Special Session of 1966, (Acts of Alabama 1965, p. 1208 and Acts of Alabama, Special Sess. of 1966 p. 200) which said Section 2 of said Act relates to the membership of the Farmers Market Authority.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Oden	
Albea	Givhan	Lolley	Pierce	
Bailes	Goodwyn	McCarley	Radney	
Carr	Harris	McDermott	Skidmore	
Childs	Hawkins	Morrow	Stone	
Clark	Jackson	Nabors	Torbert	
Giles	Leonard	O'Bannon	Vacca	
				—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 981. Relating to cities having populations of more than thirty thousand and not exceeding forty-five thousand according to the most recent federal decennial census; to validate certain elections purportedly held pursuant to Act No. 404, S. 430 of the Regular Session of 1953 (Acts, 1953, p. 472), and to amend said Act No. 404, which authorizes, provides for and regulates the adoption of the council-manager form of government by any such city, so as to provide further for notice required of the election of the first council after a city elects this form of government, and to provide for holding and conducting the elections of the first and subsequent city councils under this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 768. To except bonds issued by a municipality under the provisions of Act No. 4 adopted at the 1956 Second Special Session of the Alabama

Legislature, as amended, which Act relates to the promotion of trade by inducing commercial enterprises to locate in this State, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Albea	Gilmore	McCarley	Pierce	
Bailes	Goodwyn	McDermott	Skidmore	
Branyon	Harris	Morrow	Stone	
Carr	Jackson	Nabors	Torbert	
Cooper	Leonard	O'Bannon	Vacca	
Dominick				—24

Nays: —0

The Bill:

S. 680. To exempt medical clinic boards now or hereafter organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pierce	
Albea	Gilmore	McCarley	Skidmore	
Bailes	Goodwyn	McDermott	Stone	
Branyon	Harris	Morrow	Torbert	
Carr	Jackson	Nabors	Vacca	
Childs	Leonard	O'Bannon		—22

Nays: —0

The Bill:

S. 679. To exempt industrial development boards now or hereafter organized under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pelham	
Albea	Gilmore	McCarley	Pierce	
Bailes	Goodwyn	McDermott	Skidmore	
Branyon	Harris	Morrow	Stone	
Carr	Leonard	Nabors	Torbert	
Childs	Lindsey	O'Bannon	Vacca	
Clark				—24

Nays: —0

The Bill:

H. 533. To amend Sections 1 and 3 of Act No. 322, General Acts of Alabama 1947, page 212, which pertains to the catching of shrimp for bait during the closed season and for the licensing of persons selling or offering for sale such shrimp.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	O'Bannon	
Albea	Giles	Lolley	Pelham	
Bailes	Gilmore	McCarley	Radney	
Branyon	Goodwyn	McDermott	Stone	
Childs	Hawkins	Morrow	Torbert	
Clark	Leonard	Nabors	Vacca	
				—23

Nays: —0

The Bill:

S. 553. To regulate further judgments in actions and proceedings to enforce payment of alimony awarded pursuant to duly rendered decrees providing for continuous maintenance through payment of alimony in periodic installments, limiting the period of arrearage for which judgments may be rendered.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 553, to-wit:

COMMITTEE AMENDMENT TO S. B. 553

Strike out the word "three" where it appears in the sixth and ninth lines of Section 1 and insert in lieu thereof, in each place, the word "six".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Branyon	Cooper	Gilmore
Albea	Childs	Dominick	Givhan
Bailes	Clark	Giles	Goodwyn

Harris	Lolley	Nabors	Stone	
Hawkins	McCarley	O'Bannon	Torbert	
Jackson	McDermott	Pelham	Vacca	
Lindsey				—24

Nays: —0

And said Bill, S. B. 553, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gilmore	Jackson	Pelham	
Bailes	Givhan	Lindsey	Pierce	
Branyon	Goodwyn	Lolley	Stone	
Childs	Harris	McCarley	Torbert	
Cooper	Hawkins	McDermott	Vacca	
Dominick				—20

Nays: —0

The Bill:

H. 870. To provide for a refund of a portion of the state tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in the State of Alabama; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the Commissioner of Revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor.

Was read a third time at length and passed.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Givhan	Lindsey	Pelham	
Branyon	Goodwyn	Lolley	Radney	
Clark	Harris	McCarley	Stone	
Cooper	Hawkins	McDermott	Torbert	
Giles	Jackson	Nabors	Vacca	
Gilmore				—20

Nay: Mr. Bailes —1

The Bill:

S. 767. Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Childs	Dominick	Goodwyn
Branyon	Clark	Gilmore	Harris
Carr	Cooper	Givhan	Hawkins

Jackson	Nabors	Radney	Torbert	
McCarley	O'Bannon	Skidmore	Turner	
McDermott	Oden	Stone	Vacca	
Morrow	Pierce			—25

Nays: —0

The Bill:

S. 437. To amend further Section 21 of Title 11, Code of Alabama (1940) which relates to fees allowed Clerks of Circuit Courts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	O'Bannon	
Bailes	Engel	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Goodwyn	McDermott	Torbert	
Clark	Hawkins	Nabors	Vacca	
Cooper	Jackson			—21

Nays: —0

The Bill:

S. 443. To amend Section 3 of Act No. 584, H. 795, Regular Session 1963, an act authorizing and providing for establishment of regional advisory planning commissions (Acts 1963, v. 2, p. 1278).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Morrow	
Bailes	Gilmore	Lindsey	Nabors	
Branyon	Givhan	Lolley	Pelham	
Carr	Goodwyn	McCarley	Torbert	
Childs	Jackson	McDermott	Vacca	
Dominick				—20

Nays: —0

RESOLUTION

Messrs. McCarley, Giles and Childs offered the following Senate Joint Resolution, to-wit:

S. J. R. 75. WHEREAS the Legislature has expressed, through its actions, that it is the desire of the majority of its members that no sex education be taught in the secondary and elementary schools in the state of Alabama, and

WHEREAS the Legislature does not intend to prevent the teaching of accepted and traditional courses such as biology and botany, or instruction in agricultural and animal husbandry subjects in conjunction with youth and farm projects, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the superintendent of education and the chairman and members of the state textbook committee be notified that this body demands that the teaching of pornography under the guise of sex education to the children of Alabama be ceased forthwith.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the State Superintendent of Education and to the chairman of the state textbook committee.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 569. To provide for purchasing and furnishing state-owned textbooks for certain state institutions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham
Bailes	Gilmore	Lindsey	Radney
Carr	Givhan	Lolley	Skidmore
Childs	Goodwyn	McCarley	Stone
Cooper	Harris	McDermott	Torbert
Dominick	Hawkins	Morrow	Turner
Engel	Jackson	Nabors	Vacca

—27

Nays: —0

The Bill:

S. 622. To make an appropriation from the state treasury payable to the Glenn Falls Insurance Company for the relief of Sergeant E. W. Pierce of the highway patrol.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Givhan	Lolley	Pelham
Albea	Goodwyn	McCarley	Radney
Branyon	Hawkins	McDermott	Skidmore
Carr	Jackson	Morrow	Torbert
Childs	Leonard	Nabors	Turner
Cooper	Lindsey	O'Bannon	Vacca

—23

Nays: —0

The Bill:

S. 779. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census;

to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Engel	Jackson			—25

Nays: —0

The Bill:

H. 556. To provide that the execution of certain contracts and purchases made by or on behalf of the Alabama Institute of Deaf and Blind shall be subject to the provisions of the state competitive bid law as provided by Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259) as amended.

was taken up.

Mr. Leonard offered the following amendment to the Bill, H. B. 556, to-wit:

AMENDMENT TO H. B. 556

Amend House Bill 556 by inserting at the end of Section 1 thereof the following sentence: "Provided, however, this Act shall not apply to purchases of any commodity for which an open public market is maintained, including, but not limited to grains and broom corn, if such commodity is purchased at a price not higher than the prevailing open market price."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pierce	
Albea	Cooper	Lindsey	Radney	
Bailes	Dominick	Lolley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	Pelham		—22

Nays: —0

And said Bill, H. B. 556, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Albea	Cooper	Lindsey	Pierce	
Bailes	Dominick	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
				—23

Nays: —0

The Bill:

H. 557. Relating to schools; authorizing Alabama Institute for Deaf and Blind to provide education at preschool and junior college levels for deaf, blind, visually handicapped, and otherwise severely handicapped persons.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	O'Bannon	
Albea	Engel	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Givhan	McDermott	Radney	
Carr	Goodwyn	Nabors	Torbert	
Childs	Jackson			
				—21

Nays: —0

The Bill:

H. 558. To amend Code of Alabama 1940, Title 52, Sections 528 and 530, in relation to the Institute for Deaf and Blind.

was taken up.

Mr. Leonard offered the following substitute for the Bill, H. B. 558, to-wit:

SUBSTITUTE FOR HOUSE BILL 558

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1940, Title 52, Sections 528 and 530, in relation to the Institute for Deaf and Blind.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 528 is hereby amended so as to read as follows:

Section 528. There shall be at the Alabama Institute for Deaf and Blind a separate department of adult blind and deaf. Legislative appropria-

tions for the department shall be made separate and apart from the legislative appropriations made for the support and operation of the institute. The department shall have authority to establish and to operate a library service for blind, visually handicapped, deaf, or severely handicapped persons; and the department is hereby designated as the official agency to operate a regional library for the blind, visually handicapped, deaf, and severely handicapped.

Section 2. Section 530 of Title 52, Code of Alabama 1940, is hereby amended so as to read as follows:

Section 530. It shall be the duty of the Alabama Institute for Deaf and Blind, through its Adult Department, to maintain a bureau of information, the object of which shall be to aid the blind or deaf, whose training is not otherwise provided for, in finding employment, in developing home industries, and in marketing their products. It shall in its discretion enter into a cooperative agreement with the state board of education to expend funds under the civilian rehabilitation act for special vocational training, materials, tools, and books for use as a means in rehabilitating blind or deaf persons who may be in need of such services; and it may, through the employment of teachers, give home instruction to blind persons, provided that it shall not undertake the permanent support or maintenance of any blind person. The Adult Department is hereby authorized within its discretion, and subject to the control of the board of trustees, to use any part of the fund appropriated herein to purchase materials as a means of promoting home industries; such material to be used in the training of blind or deaf persons, after training, all materials supplies to be converted into marketable products—the cost of this material to be credited to the fund provided under this article for further use in assisting blind or deaf persons in establishing and maintaining home industries. Records shall be kept showing the purchase of all equipment and supplies and the part of the expenditure of same made for training. In order that the provisions of this section may be made effective the Adult Department is hereby authorized to cooperate with other agencies in the state that may be interested in blind or deaf relief in establishing a sales agency for products made by the blind or deaf. The Adult Department, subject to the control of the board of trustees, may further cooperate with the state board of education through the rehabilitation service to provide at its discretion employment tools, supplies, and materials necessary in the rehabilitating of blind or deaf persons, not otherwise provided for in this article, and may expend funds provided herein for physical restoration of indigent blind or deaf persons when this is necessary to their rehabilitation. The director of the department of adult blind and deaf, the director of vocational rehabilitation, and the director of vocational education, jointly shall share the responsibility for developing policies, procedures and budgets governing operation of the adult facilities for carrying out a program of services for the adult deaf and blind, but full and final authority with respect to admission of clients, operation of programs, and related activities shall be vested exclusively in the director of the department of adult blind and deaf; provided, however, that budgets involving funds from the State Department of Education and policies relating thereto shall be subject to the approval of the State Superintendent of Education.

Section 3. This Act shall take effect immediately upon its enactment.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Clark	Gilmore	Lolley
Albea	Cooper	Goodwyn	Nabors
Bailes	Dominick	Hawkins	Pierce
Branyon	Folsom	Leonard	Radney
Carr	Giles	Lindsey	Torbert
Childs			

—20

Nays: —0

And said Bill, H. B. 558, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Oden
Albea	Folsom	Leonard	Pierce
Bailes	Gilmore	Lindsey	Radney
Carr	Givhan	Lolley	Stone
Childs	Goodwyn	Nabors	Torbert
Clark			

—20

Nays: —0

The Bill:

H. 559. Relating to schools; authorizing the Alabama Institute for Deaf and Blind to provide education for nonresidents of the state, the expense of such education to be borne by such persons.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors
Albea	Folsom	Leonard	Oden
Bailes	Giles	Lindsey	Pierce
Branyon	Gilmore	Lolley	Radney
Carr	Goodwyn	Morrow	Torbert
Childs			

—20

Nays: —0

The Bill:

H. 560. To amend Act No. 542, H. B. 304, Regular Session 1955, an act relating to the blind and visually handicapped (Acts 1955, v. 2, p. 1197).

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Folsom	Hawkins	Oden
Albea	Giles	Leonard	Pelham
Bailes	Gilmore	Lindsey	Pierce
Branyon	Givhan	Lolley	Radney
Childs	Goodwyn	Morrow	Skidmore
Dominick	Harris	Nabors	Torbert

—23

Nays: —0

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 580. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

LELAND CHILDS,
Chairman.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Leonard, further consideration of the Bills, S. B.'s 531, 532 and 701, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 561. To amend Act No. 543, H. 303, Regular Session 1955, an act authorizing and providing for the operation of stands in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions by blind persons (Acts 1955, v. 2, p. 1200).

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cooper	Goodwyn	Nabors
Albea	Dominick	Harris	Oden
Bailes	Folsom	Hawkins	Pelham
Branyon	Giles	Leonard	Pierce
Childs	Gilmore	Lolley	Skidmore
Clark	Givhan	Morrow	Torbert

—23

Nays: —0

The Bill:

H. 940. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Oneonta in Blount County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Stone	
Carr	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

S. 657. Relating to Morgan County; to authorize and regulate the issuance in such county of motor vehicle license tags by mail.

was taken up.

Mr. Harris offered the following amendment to the Bill, S. B. 657, to-wit:

AMENDMENT TO S. B. 657

Amend Section 3 by deleting therefrom where the same appear therein the words and figures "November 10th", and substituting therefor the following: "November 5th".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Harris	Morrow	Torbert	
Clark	Jackson			—25
Nays:				—0

And said Bill, S. B. 657, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	O'Bannon	Turner	
Childs	Harris	Oden	Vacca	
Clark	Jackson			—25
Nays:				—0

The Bill:

H. 1028. Relating to St. Clair County; levying a privilege license or excess tax upon sellers, distributors, or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations.

Mr. Carr offered the following amendment to the Bill, H. B. 1028, to-wit:

AMENDMENT TO H. B. 1028

House Bill 1028 is hereby amended as follows, by striking the word "excess" where same appears in line 2 of the caption and in lieu thereof insert the following, "excise".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Carr	Gilmore	McCarley	Radney	
Clark	Givhan	McDermott	Skidmore	
Cooper	Goodwyn	Morrow	Stone	
Dominick	Harris			—25
Nays:				—0

And said Bill, H. B. 1028, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Nabors	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Carr	Gilmore	McCarley	Radney	
Clark	Givhan	McDermott	Skidmore	
Cooper	Goodwyn	Morrow	Stone	
Dominick	Harris			—25
Nays:				—0

The Bill:

S. 705. Relating to Tuscaloosa County; to provide a chairman of the county governing body of such county; to prescribe his duties, powers and authority and fix his compensation; and to relieve the probate judge of such county of his duties, powers and authority as president and ex officio member of said governing body.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Skidmore	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1030. To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 24,800 nor more than 25,400, according to the most recent Federal Decennial Census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Albea	Folsom	McDermott	Pierce	
Bailes	Giles	Morrow	Radney	
Carr	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 774. To provide, in any county of the State of Alabama having a population of not less than 37,000 or more than 41,000, according to the last or any subsequent decennial census for the incorporation of an authority to lease or own or otherwise acquire and provide, control and operate coliseums, parks, exhibits, exhibitions, fairgrounds and other installations, facilities, and places for the amusement, entertainment, recreation and cultural development of the citizens of said county; to provide for the management of said authority by a board of directors; to provide for the appointment, and term of office and removal of said directors; to provide for the powers of such authority; to authorize the county, or any city within such county, to lease or sell and convey to the authority real or personal property; to provide for the terms and conditions on which said authority may conduct, operate, manage or promote amusements or recreational activities; to empower such authority to construct or acquire recreational facilities and installations for amusement; to empower the authority to borrow money and issue bonds and execute mortgages or other conveyances as security for money so borrowed; to authorize the county or any city within said county to make appropriations or to lend money to the authority; and to accord the authority exemption from state, county and city taxation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:				
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Torbert	
Clark	Goodwyn	Oden	Vacca	
	Harris			—25
Nays:				—0

The Bill:

H. 1068. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:				
Bailes	Dominick	McCarley	Pelham	
Branyon	Gilmore	McDermott	Radney	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
	Jackson			—25
Nays:				—0

The Bill:

H. 1065. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:				
Albea	Cooper	McCarley	Pelham	
Bailes	Gilmore	McDermott	Radney	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
	Jackson			—25
Nays:				—0

The Bill:

S. 702. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Engel	Leonard	Skidmore	
Bailes	Folsom	Lindsey	Stone	
Carr	Giles	Morrow	Torbert	
Childs	Gilmore	Nabors	Turner	
Clark	Givhan	O'Bannon	Vacca	
Cooper	Harris			—25

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Radney, further consideration of the Bills, S. B.'s 669 and 670, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 681. Relating to the Board of Revenue of Limestone County; temporarily increasing the expense allowances for members of said board; fixing the salaries of the members, and reducing expense allowances effective with the new salaries.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Morrow	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Stone	
Clark	Harris			—25

Nays: —0

The Bill:

H. 682. To create and establish in Limestone County in lieu of the existing court created by Act No. 199, H. 603, Regular Session 1947 (Local Acts 1947, p. 113) and amendments thereto, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and equity to be known as the Limestone County Superior Court; to provide for its procedure, costs and fees; to provide for its officers, their duties, power and compensation, and to provide for the transfer of cases.

was taken up.

Mr. Harris offered the following amendment to the Bill, H. B. 682, to-wit:

AMENDMENT TO H. B. 682

In Section 3, subsection (g) strike the words and figures: "who shall be paid twenty dollars out of the general fund"—and insert in lieu thereof the following: "who shall be paid thirty dollars out of the general fund."

Also, in Section 11 (a) strike out the last three sentences and insert in lieu thereof the following:

All such fees, commissions and charges shall be remitted by the clerk and register to the general fund of Limestone County in accordance with the provisions of Section 7(d) of this act. Each shall have authority to purchase at the county's expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court. Said clerk and register shall make a bond payable to the state in the penal sum of twenty-five thousand dollars and shall take the oath of office as required of all officers.

Also, strike out Section 8 of the bill in its entirety and insert in lieu thereof the following:

Section 8. (a) No prosecution shall be commenced in the court except by transfer from the circuit court of Limestone County or upon sworn complaint made to either the judge, clerk or solicitor of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictment. The clerk shall keep a docket of all complaints made or warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused. (b) An amendment of the sworn complaint or affidavit without the defendant's consent shall entitle the defendant to a continuance. (c) There is created the office of the Solicitor of the Limestone County Superior Court in lieu of a deputy solicitor or a county solicitor or the solicitor of the Limestone County Court, who shall receive a salary of Six Thousand ($6,000) Dollars per annum, payable in equal monthly installments out of the general fund of the county as the salaries of county employees are paid, and all solicitor's fees taxed in the courts of Limestone County shall be paid into the general fund of said county. The Honorable T. Schram Woodroof, the present solicitor of the Limestone County Court shall hold said office until the first Monday after the second Tuesday in January, 1971 and until his successor shall be elected and qualified. A solicitor of the Limestone County Superior Court shall be elected at the general election to be held in 1970 and each four years thereafter, and the term of such solicitor shall be for four years commencing on the first Monday after the second Tuesday in January following his election, and until his successor is elected and qualified. Vacancies in the office of solicitor of said court shall be filled by the Governor, and such appointee shall hold said office for the unexpired term. In the event the solicitor of said court is absent or disqualified, the judge shall appoint a special prosecutor who shall be paid Thirty ($30) Dollars for each day, or fraction thereof, that he is called upon to serve, out of the general fund of the county. The solicitor of the Limestone County Superior Court shall be clothed with all the powers and shall be charged with all the duties which have been heretofore or may be hereafter granted to or imposed upon deputy solicitors, and shall, when requested by the judge of any court of said county possessing juvenile jurisdiction, attend such sessions of the said court to represent the interest of the

State of Alabama, and shall prosecute for the State all criminal cases commenced in the Limestone County Superior Court and shall prepare any and all complaints, affidavits or other pleadings in which the State is a party.

Also, strike out Section 17 of the bill and insert in lieu thereof the following:

Section 17. This Act shall become effective on September 1, 1969.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Gilmore	Nabors	Torbert	
Clark	Givhan	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

And said Bill, H. B. 682, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Gilmore	Nabors	Torbert	
Clark	Givhan	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

H. 691. To provide for the compensation and expense allowances for certain officers and employees of Limestone County; to provide additional allowances for the employment of deputies, clerks, and other assistants.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Oden	Torbert	
Clark	Harris			—25
Nays:				—0

The Bill:

H. 693. Relating to Limestone County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 801. To apply only in counties having populations of not less than 57,000 nor more than 61,000, providing an expense allowance payable from the county treasury for the use of the coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McDermott	Radney	
Branyon	Givhan	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	McCarley			—25

Nays: —0

The Bill:

H. 909. To provide an expense allowance for the judge of probate in all counties having populations of not less than 35,700 nor more than 36,600, such allowance to be payable out of the general funds of the respective counties, and to expire at the end of the term of office of the incumbent judges of probate.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Stone	
Carr	Gilmore	Morrow	Torbert	
Childs	Givhan	Nabors	Turner	
Clark	Harris			—25

Nays: —0

The Bill:

H. 1011. Relating to the City of Troy in Pike County: Authorizing the City of Troy as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the municipal corporation transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Folsom	Lolley	Pelham	
Bailes	Giles	McDermott	Pierce	
Branyon	Goodwyn	Morrow	Radney	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1040. To provide additional allowances out of the county treasury for clerk hire for temporary or part time clerks or other assistants for certain county officers in all counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Jackson	O'Bannon	Turner	
Cooper	Leonard	Oden	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1055. Relating to cities operating under the commission form of government for more than thirty years having a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, fixing the election and terms of office, the salaries and duties of the members of the Board of Commissioners of such cities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Albea	Giles	McCarley	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Branyon	Givhan	Morrow	Radney	
Carr	Goodwyn	Nabors	Skidmore	
Childs	Harris	O'Bannon	Stone	
Engel	Hawkins			—25
Nays:				—0

The Bill:

H. 1057. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of county offices in Talladega County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Oden	
Branyon	Folsom	McCarley	Pelham	
Carr	Giles	McDermott	Stone	
Childs	Gilmore	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Harris	O'Bannon	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1059. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the twenty-ninth judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Folsom	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Childs	Gilmore	Morrow	Stone	
Clark	Givhan	Oden	Turner	
Cooper	Goodwyn	Pelham	Vacca	
Dominick	Harris			—25
Nays:				—0

The Bill:

H. 1060. Relating to counties having populations of not less than 65,000 nor more than 95,000; authorizing the county governing body of any such county and the governing body of any municipality within any such county to contribute public funds for a volunteer rescue squad.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden
Albea	Folsom	Lindsey	Skidmore
Bailes	Giles	Lolley	Stone
Branyon	Gilmore	Morrow	Torbert
Carr	Givhan	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca
Dominick	Jackson		

—25

Nays: —0

The Bill:

H. 1064. To amend Section 1 of Act No. 60, H. 395 of the current Regular Session 1969, an Act regulating the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000, according to the latest federal census, so as to establish a minimum for such compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Pelham
Albea	Giles	McDermott	Pierce
Bailes	Gilmore	Morrow	Stone
Branyon	Harris	Nabors	Torbert
Carr	Hawkins	O'Bannon	Turner
Dominick	Leonard	Oden	Vacca
Engel	Lolley		

—25

Nays: —0

The Bill:

H. 251. An act relating to the municipality of the City of Fort Payne, in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham
Branyon	Givhan	McDermott	Pierce
Carr	Goodwyn	Morrow	Radney
Childs	Harris	Nabors	Stone
Clark	Hawkins	O'Bannon	Turner
Cooper	Jackson	Oden	Vacca
Dominick	Lolley		

—25

Nays: —0

The Bill:

H. 788. Relating to all counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial

census; authorizing, but not requiring, the governing body of each of such counties to fix the amount and prescribe the manner of compensating the members of the jury commissions of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pelham	
Albea	Giles	McCarley	Pierce	
Bailes	Harris	Morrow	Radney	
Clark	Hawkins	Nabors	Stone	
Cooper	Jackson	O'Bannon	Turner	
Dominick	Leonard	Oden	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

H. 789. Relating to counties having a population of not less than 36,600 and not more than 37,600 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Morrow	
Bailes	Engel	Leonard	Pelham	
Branyon	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Stone	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 980. Relating to DeKalb County; providing for nomination and election at large of members of the county commission, repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pelham	
Albea	Goodwyn	McCarley	Pierce	
Bailes	Harris	Morrow	Radney	
Branyon	Hawkins	Nabors	Stone	
Carr	Jackson	O'Bannon	Turner	
Dominick	Leonard	Oden	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

H. 823. Changing and extending the corporate limits of the Town of Collinsville, DeKalb County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Harris	McDermott	Stone	
Clark	Hawkins			—25

Nays: —0

The Bill:

S. 719. Relating to the practice of barbering in all counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, and having county boards of barber examiners; providing further for the authority and duties of such boards with respect to the licensing of barbers, barbers' apprentices, barber shops, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensees of such boards; providing rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Branyon	Giles	Lolley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 697. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding $3,000,000 in principal amount for certain public buildings in the said county, to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to the said constitution, as amended, providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of the said county contained in Section 224 of the said constitution, and specifying certain details pertaining to the said bonds and the sale thereof.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Branyon	Givhan	Lolley	Radney	
Carr	Goodwyn	McDermott	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 695. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County and making a change in the purpose for which may be levied and distributed the special tax authorized by the amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended.

was taken up.

Messrs. McDermott, Pelham and Engel offered the following amendment to the Bill, H. B. 695, to-wit:

AMENDMENT TO H. B. 695

In Section 2 of the bill, add the following paragraph to the end thereof.

If a majority of the qualified electors of Mobile County participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the changes herein proposed, and in that event no additional election by the electors of said county shall be required to authorize the same. If the majority vote in said county on the adoption of this amendment is against the adoption thereof, or if the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the proposed changes in the definition of Amendment XVIII, the governing body of the said county may from time to time call other elections hereunder on the proposed changes in definitions in Amendment XVIII, but not more than one such election shall be held during any period of twelve consecutive months.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	O'Bannon	
Branyon	Giles	Leonard	Pelham	
Carr	Gilmore	Lindsey	Pierce	
Childs	Givhan	Lolley	Radney	
Clark	Goodwyn	McDermott	Skidmore	
Cooper	Harris	Nabors	Stone	
Engel	Hawkins			—25
Nays:				—0

And said Bill, H. B. 695, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	O'Bannon	
Branyon	Giles	Leonard	Pelham	
Carr	Gilmore	Lindsey	Pierce	
Childs	Givhan	Lolley	Radney	
Clark	Goodwyn	McDermott	Skidmore	
Cooper	Harris	Nabors	Stone	
Engel	Hawkins			—25
Nays:				—0

The Bill:

S. 745. Proposing an amendment to the Constitution of Alabama to authorize and direct the governing body of Mobile County to pay to the governing body of any municipality within Mobile County the proceeds of the one-fourth of one per centum tax on the taxable property located within such municipality.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Oden	
Albea	Engel	Lindsey	Pelham	
Bailes	Givhan	Lolley	Stone	
Branyon	Goodwyn	McDermott	Torbert	
Carr	Harris	Nabors	Turner	
Childs	Hawkins	O'Bannon	Vacca	
Clark	Jackson			—25
Nays:				—0

The Bill:

H. 860. Relating to all counties having populations of not less than 16,150 nor more than 17,250 according to the most recent federal decennial census; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25
Nays:				—0

The Bill:

H. 1029. Relating to counties having a population of not less than 24,800 nor more than 25,400 according to the most recent Federal Decennial Census; to authorize the county governing body of any such county to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McDermott	Skidmore	
Carr	Givhan	Nabors	Stone	
Clark	Harris	Oden	Torbert	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1058. To amend Section 6 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act to regulate further the procedure for the abandoning the Commission form of government and the reorganization of the city government thereafter in all cities of this state which have a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, with respect to the salary of the Mayor and Aldermen elected under the above act and to further establish the office of Mayor as a full-time office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Nabors	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris			—25

Nays: —0

The Bill:

S. 746. To provide for expense allowances of members of Boards of Education of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Engel	Leonard	Pelham	
Branyon	Folsom	McDermott	Stone	
Carr	Giles	Morrow	Torbert	
Childs	Gilmore	Nabors	Turner	
Clark	Givhan	O'Bannon	Vacca	
Cooper	Harris			—25

Nays: —0

The Bill:

S. 738. To alter and rearrange the boundary lines of the city of Brewton, Alabama so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said city.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	Morrow	Radney	
Clark	Givhan	Nabors	Torbert	
Cooper	Goodwyn	O'Bannon	Turner	
Dominick	Harris	Oden	Vacca	
Engel	Jackson			—25

Nays: —0

The Bill:

S. 734. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Goodwyn	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 735. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial

census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Albea	Giles	Lindsey	Pelham	
Bailes	Gilmore	Lolley	Pierce	
Clark	Givhan	Morrow	Stone	
Cooper	Goodwyn	Nabors	Torbert	
Dominick	Harris	O'Bannon	Turner	
Engel	Jackson			—25
Nays:				—0

The Bill:

S. 736. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associatiate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4, and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Gilmore	McDermott	Vacca	
Clark	Givhan			—25
Nays:				—0

The Bill:

S. 737. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Skidmore	
Bailes	Gilmore	McCarley	Stone	
Branyon	Givhan	Nabors	Torbert	
Carr	Goodwyn	O'Bannon	Turner	
Childs	Harris	Oden	Vacca	
Engel	Jackson			—25
Nays:				—0

The Bill:

H. 1039. To provide that any city of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census shall be entitled to be reimbursed for all hospital bills, doctor's bills, medical expenses, employee salary while absent from duty, and other expenditures made by such city or agency as a result of an injury to an employee of such city or agency while in the actual performance of his duties as such employee, proximately caused by the negligence of a third person, to such employee of such city or agency thereof by the person, firm or corporation guilty of or liable for such negligence or to whom such negligence may be imputed; to provide for the enforcement of such right to reimbursement.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Oden	
Albea	Giles	Lolley	Pelham	
Bailes	Gilmore	McCarley	Pierce	
Carr	Goodwyn	McDermott	Radney	
Childs	Harris	Morrow	Skidmore	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 677. To amend Act No. 529 of the 1949 Regular Session of the Legislature of Alabama approved September 2, 1949, (Acts of Alabama, 1949, pages 827 et seq.) entitled as heretofore amended, "An Act to apply in all counties of this state having a population of not less than 150,000 according to the last or any subsequent federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this state; to create a board to be known as the plumbers examining board; to define plumbing, master plumbers, journeymen plumbers, plumber apprentices and subjects related to plumbing; to provide for the appointment of members of said plumbers examining board and their terms of office; to provide for the payment of compensation to the members of said board and its employees; to define the powers conferred upon and the duties imposed upon said board; to provide funds for the maintenance, operations and functions of said board; to provide for the examination and certification of master plumbers, journeymen plumbers and plumbers apprentices; to provide for the payment of examination fees and certificate fees; to empower the board to revoke certificates; to provide for appeals from the ruling of the board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said board, and to provide for penalties for the violation of this Act"; so as to provide that municipalities having populations of not less than 130,000 nor more than 200,000 and municipalities having populations of 300,000 or more according to the last or any subsequent federal census may require additional examination, certification and regulation of plumbers doing plumbing work within the corporate limits of such cities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Carr	Goodwyn	Morrow	Skidmore	
Childs	Harris	O'Bannon	Stone	
Cooper	Hawkins	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 764. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pelham	
Albea	Engel	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Leonard			—25

Nays: —0

The Bill:

S. 744. Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 475. To amend further Act No. 452, H. 974, Regular Session 1955, an act providing for adoption of the mayor-council form of government in cities having populations of more than 300,000.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 475, to-wit:

SUBSTITUTE FOR H. B. 475

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 3.01, 3.02, 3.09 and 4.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a mayor-council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3.01 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004) as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more, according to the last or any subsequent federal census, be and said Section 3.01 is hereby amended to read as follows:

"3.01. Number election, term.—The Council shall have nine members elected from the city at large to numbered places thereon, in the manner hereinafter provided, five of whom shall be elected at an election held each two years. The places on said council shall be numbered 1 to 9, both inclusive. The regular election at large for the choice of such five members of the council shall be held on the second Tuesday in October of the year during which the term of the five members of the first council elected under the provisions of Section 1.07 hereof for the term most closely approximating two years shall expire, and every two years thereafter. The term of office for each numbered place on the council shall be four (4) years, except as hereinafter provided. At the first regular election of members of the council under this Act held subsequent to January 1, 1970, and every regular election held each two years thereafter, the candidate or candidates, if any, receiving a majority of the votes cast for such numbered place shall be elected to the Council for a four year term except as hereinafter provided. In the event that there is a place on the Council for which no candidate received a majority of the votes cast for such place, then and in that event a run-off election shall be held on the third Tuesday thereafter to be called and held in the same mode and manner and under the same rules and regulations provided in Section 1.07 hereof with respect to the election of the first council, except as otherwise provided by this Section 3.01. In the second or run-off election there shall be two candidates for each numbered place upon the Council for which a candidate was not elected at the first election, and these candidates shall be the ones who received in the first election the highest number of votes for the place for which they were a candidate but were not elected at the first election. The candidate for each numbered place on the Council to be filled at said second or run-off election receiving the highest number of votes cast for the place for which he is a candidate in said election shall be elected. The candidate being elected for the numbered place at said second or run-off election receiving the lowest number of votes of the candidates being elected in said election shall be elected to the Council for a two year term, or in the

event that such candidate is elected for the only numbered place being filled at said second or run-off election, then in such event such candidate shall be elected to the Council for a two year term. The other or remaining candidates being elected at said second or run-off election shall be elected to the Council for a four year term. Provided, however, in the event candidates for all numbered places in the regular election receive a majority of the votes cast for all numbered places being filled at such election and there is no necessity for a second or run-off election, then the candidate elected to the council for the numbered place receiving the lowest number of votes of the candidates being elected at such regular election shall be elected to the Council for a two year term. The Council so elected shall take office on the second Tuesday in November following their election. Elections shall, as otherwise herein provided, be governed by the general provisions of law relating to municipal elections of such city."

Section 2. That Section 3.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, be and said Section 3.02 is hereby amended to read as follows:

"3.02. Statement of candidacy.—Any person desiring to become a candidate in any election for the office of councilman may become such candidate by filing in the office of the Judge of Probate of the county in which such city is situated, a statement in writing of such candidacy and an affidavit taken and certified by such judge of probate or by a notary Public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: State of Alabama, _____County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said City of _____, that I am a member of the _____ party (or if not a member of a political party then, I am an independent candidate), that I desire to become a candidate for the office of Councilman, place number _____, in said City at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19_____, and filed in this office for record on said day. _____, Judge of Probate. Said statement shall be accompanied by a qualifying fee in the amount of $50.00, which fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For members of the council.' No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided."

Section 3. That Section 3.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more, according to the last or any subsequent federal census, be and said Section 3.09 is hereby amended to read as follows:

"3.09. Vacancies in Council.—Whenever any vacancy in the office of councilman shall occur by reason of death, resignation, removal, or any other cause, the Council may, at the next regular or any subsequent meeting of the Council, fill the vacancy; provided such appointment is made within thirty days of the occurrence of such vacancy. The Council, at their discretion, may call upon the election commission of the City, if there be one, and if not, upon the mayor thereof, to call a special election to fill such vacancy, such election to be called not less than thirty and not more than forty-five days from the occurence of such vacancy; provided, however, if the vacancy occurs within six months prior to the expiration of the term of the numbered place to be filled, then the council may only fill such vacancy by appointment. Notice of election hereunder shall be given at the expense of the city by one publication of at least eighteen days in advance of the same in one or more newspapers published in such city. The method, procedure, and requirements of qualifying, voting upon, and determining the successful candidate shall be the same as is provided herein relative to the election of councilman at regular elections, except that statements of candidacy must be filed at least fifteen days before the date set for such election. The successor to the councilman appointed or chosen at any such election shall qualify for office as soon as practicable thereafter, and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification. Such successor, if appointed as hereinabove provided, shall hold office only until the next election of any kind in which the voters of the City to which this Act applies are qualified electors, at which time said unexpired term shall be filled by said electors in accordance with all provisions of law applicable to such city. Provided further, the successor to such vacancy if elected by the electorate of the city, as hereinabove provided, shall hold office for the unexpired term of his predecessor.

Section 4. That Section 4.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more, according to the last or any subsequent federal census, be and said Section 4.02 is hereby amended to read as follows:

"4.02. Statement of candidacy. Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the Judge of Probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: 'State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said City of _____, that I am a member of the _____ party (or if not a member of a political party then, I am an independent candidate), that I desire to become a candidate for the office of mayor in said city at the election of said office to be held on

the _____ day of October, next and that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____, on this _____ day of _____, 19_____, and filed in this office for record on said day. _____, Judge of Probate.' Said statement shall be accompanied by a qualifying fee in an amount equal to $300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For Mayor'. No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nominations of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on January 1, 1970, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Dominick	Hawkins	O'Bannon	Stone	
Engel	Jackson	Oden	Vacca	
Folsom	Leonard			—25

Nays: —0

And said Bill, H. B. 475, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Dominick	Hawkins	O'Bannon	Stone	
Engel	Jackson	Oden	Vacca	
Folsom	Leonard			—25

Nays: —0

The Bill:

S. 801. To provide that witnesses may be subpoenaed by registered or certified mail in Marshall County under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Givhan	Lolley	Stone	
Carr	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 482. To amend Section 1 of Act No. 208, Acts of Alabama 1966 Special Session, page 256, approved August 26, 1966 entitled: "An Act to authorize, regulate and provide for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers and certain firemen who are killed or whose death results from an injury received in the course of his employment and while he is engaged in the performance of his duties; to designate the state board of adjustment as the state agency or awarding authority to hear, determine and order the payment of claims for compensation hereunder; to make an appropriation for payment of awards."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 19; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Nabors	
Albea	Dominick	Lindsey	Pelham	
Branyon	Engel	Lolley	Pierce	
Carr	Givhan	McDermott	Radney	
Childs	Goodwyn	Morrow	Stone	
				—19

Nays: —0

The Bill:

S. 800. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff and his deputies and other employees and providing for the manner of their payment; authorizing the appointment of additional deputies; and repealing conflicting laws, specifically Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Carr	Giles	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson	Oden	Vacca	
Engel	Lolley			—25
Nays:				—0

The Bill:

S. 799. Relating to counties having populations not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to increase the compensation of the judge of the County Court in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pelham	
Albea	Dominick	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Oden	Torbert	
Clark	Leonard			—25
Nays:				—0

The Bill:

S. 739. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Gilmore	Lolley	Pierce	
Bailes	Givhan	McCarley	Stone	
Childs	Goodwyn	McDermott	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

S. 798. To regulate further the method of summoning jurors in Marshall County; providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Nabors	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Vacca	
Clark	Harris			—25

Nays: —0

The Bill:

S. 803. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

S. 820. Relating to counties having a population of not less than 16,150 and not more than 17,250 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Morrow	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Givhan			—25
Nays:				—0

The Bill:

S. 766. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Engel	Leonard	Pelham	
Branyon	Folsom	Lindsey	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25
Nays:				—0

The Bill:

S. 777. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	O'Bannon	Stone	
Carr	Hawkins	Oden	Turner	
Clark	Jackson	Pelham	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

S. 765. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial cen-

sus and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Bailes	Folsom	Lolley	Pierce	
Branyon	Giles	McCarley	Radney	
Carr	Gilmore	Nabors	Stone	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 804. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Engel	Leonard	Pelham	
Bailes	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1116. Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Lindsey	Pierce	Vacca	
Engel	Lolley			—25

Nays: —0

The Bill:

H. 1090. Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court, in Equity, and for payment of such clerk's salary by the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Albea	Gilmore	McDermott	Skidmore	
Bailes	Givhan	Morrow	Stone	
Clark	Goodwyn	Nabors	Torbert	
Cooper	Harris	Oden	Turner	
Dominick	Hawkins	Pierce	Vacca	
Engel	Jackson			—25
Nays:				—0

REPORTS FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 79. Relative to inviting Honorable James B. Allen, U.S. Senator from Alabama, to address a joint session of the Legislature.

And said Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1161. To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Pelham	
Albea	Giles	McDermott	Pierce	
Bailes	Gilmore	Morrow	Radney	
Branyon	Givhan	Nabors	Skidmore	
Carr	Hawkins	O'Bannon	Stone	
Dominick	Jackson	Oden	Vacca	
Engel	Lindsey			—25
Nays:				—0

The Bill:

S. 790. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census;

to provide an expense allowance for the judge of the county court; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Childs	Givhan	Oden	Torbert	
Clark	Harris	Pelham	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Lindsey			—25
Nays:				—0

The Bill:

H. 1160. To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Albea	Folsom	Jackson	Pelham	
Bailes	Giles	Lindsey	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris			—25
Nays:				—0

The Bill:

H. 1159. Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants of the sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Albea	Folsom	McDermott	Pierce	
Bailes	Giles	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lindsey			—25
Nays:				—0

The Bill:

S. 813. To propose an amendment to the Constitution of Alabama relating to Morgan County and the City of Hartselle and the City of Decatur, authorizing each of them separately or any two or more of them jointly, to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, to lease, sell, exchange and otherwise convey all or any part of any such projects or sites; and, after an approving bond election, to issue its interest-bearing general obligation bonds therefor; to exempt bonds issued to finance the acquisition of industrial sites from the requirement of an election; to specify the details respecting such bond election; to limit the amount of bonds that said county and said cities may have outstanding under the authority of said amendment; to require, as a condition precedent to the issuance of any such bonds, a lease or other similar agreement providing for the payment to the issuer of such bonds of rentals sufficient to pay the debt service on such bonds; to require the pledge of such rentals for such bonds and to authorize other security for such bonds; to authorize the said county or said cities, as the case may be, if such action is necessary to prevent or cure a default on bonds issued by said county or cities, to levy ad valorem taxes, without limit as to rate or amount and in addition to all other taxes then authorized, on the assessed value of all taxable property therein; to provide that in carrying out the purpose of said amendment neither said county or said cities shall be subject to the provisions of Section 93 of the Constitution of Alabama; and to provide that said amendment shall be self-executing but that the legislature shall have the power to enact supplemental general, special or local legislation notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Engel	Leonard	Pelham	
Branyon	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	Nabors	Turner	
Clark	Givhan	O'Bannon	Vacca	
Cooper	Harris			—25

Nays: —0

The Bill:

S. 786. To authorize the judge of probate of Morgan County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Morrow	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Stone	
Cooper	Harris			—25

Nays: —0

The Bill:

S. 781. To provide for and regulate the employment and the compensation out of the county treasury of a deputy clerk and other assistants to the clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Bailes	Engel	McDermott	Skidmore	
Branyon	Folsom	Morrow	Stone	
Carr	Giles	Nabors	Torbert	
Childs	Gilmore	O'Bannon	Turner	
Clark	Harris	Oden	Vacca	
Cooper	Lolley			—25

Nays: —0

The Bill:

S. 782. To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office, relative to the compensation of the clerical assistants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Branyon	Givhan	Nabors	Stone	
Clark	Harris	O'Bannon	Torbert	
Cooper	Hawkins	Oden	Turner	
Dominick	Leonard	Pelham	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

S. 783. To provide for and regulate the employment and the compensation out of the county treasury of a deputy register and other assistants to

the register of the circuit court of Morgan County and the Morgan County Court of Morgan County; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Harris	McDermott	Skidmore	
Childs	Hawkins	Morrow	Stone	
Clark	Jackson			—25

Nays: —0

The Bill:

S. 784. To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the appointment and compensation of the clerk of the jury commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Oden	
Albea	Dominick	McCarley	Skidmore	
Bailes	Giles	McDermott	Stone	
Branyon	Gilmore	Morrow	Torbert	
Carr	Givhan	Nabors	Turner	
Childs	Goodwyn	O'Bannon	Vacca	
Clark	Harris			—25

Nays: —0

The Bill:

S. 785. To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, relative to the compensation of the clerical assistants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Branyon	Gilmore	Lindsey	Pelham	
Carr	Givhan	Lolley	Pierce	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 787. To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Morrow	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Gilmore	McCarley	Turner	
Childs	Givhan	McDermott	Vacca	
Clark	Harris			—25

Nays: —0

The Bill:

S. 788. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for each of the probation officers of the county court; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Oden	
Albea	Folsom	McCarley	Skidmore	
Bailes	Giles	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Harris	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 789. Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the court reporter of the county court; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	Nabors	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris			—25

Nays: —0

The Bill:

H. 1118. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Leonard, further consideration of the Bill, S. B. 432, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1148. To provide for the presiding judge, Twenty-Third Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McDermott	Radney	
Albea	Givhan	Morrow	Skidmore	
Bailes	Goodwyn	Nabors	Stone	
Clark	Harris	O'Bannon	Torbert	
Cooper	Hawkins	Oden	Turner	
Dominick	Jackson	Pierce	Vacca	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 1151. To regulate further the excusing of persons from jury service in the Twenty-third Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Albea	Giles	Lindsey	Pelham	
Bailes	Givhan	Lolley	Pierce	
Branyon	Goodwyn	McCarley	Radney	
Carr	Harris	Nabors	Skidmore	
Childs	Hawkins	O'Bannon	Stone	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 814. To permit banks now or hereafter situated in counties having a population according to the most recent federal decennial census of not less than 49,500 nor more than 50,500 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the state superintendent of banks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Branyon	Folsom	Lolley	Pierce	
Carr	Goodwyn	McDermott	Radney	
Childs	Harris	Morrow	Skidmore	
Clark	Hawkins	Nabors	Torbert	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1152. Relating to judicial procedure in the Twenty-third judicial circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Childs	Goodwyn	McCarley	Skidmore	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1022. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Oden	Torbert	
Clark	Leonard			—25

Nays: —0

The Bill:

H. 1033. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; to provide for the compensation of the members of the jury commission in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Folsom	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1021. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Givhan	Lolley	Pierce	
Branyon	Goodwyn	Morrow	Torbert	
Carr	Harris	Nabors	Turner	
Childs	Hawkins	O'Bannon	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

S. 808. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1117. To create and establish an inferior court of record of law and equity in Colbert County, Alabama; to define its jurisdiction; to provide for its officers, their appointment, election, terms of office, powers, duties, authority and compensation; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Colbert Law and Equity Court; and to abolish the Colbert Law and Equity Court, repealing Act No. 32, H. 162, Regular Session 1947, as amended, and all conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	O'Bannon	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Stone	
Branyon	Goodwyn	McCarley	Torbert	
Carr	Harris	McDermott	Turner	
Childs	Hawkins	Morrow	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1155. To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act No. 289, S. 299, 1953 Acts 354).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Branyon	Giles	McDermott	Pierce	
Carr	Givhan	Morrow	Radney	
Childs	Goodwyn	Nabors	Skidmore	
Clark	Harris	O'Bannon	Stone	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1150. To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	McDermott	Stone	
Childs	Hawkins	Oden	Torbert	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1158. To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000 according to the last federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	McCarley	Radney	
Albea	Dominick	McDermott	Skidmore	
Bailes	Giles	Morrow	Stone	
Branyon	Gilmore	Nabors	Torbert	
Carr	Givhan	O'Bannon	Turner	
Childs	Goodwyn	Oden	Vacca	
Clark	Harris			—25

Nays: —0

The Bill:

H. 1156. To amend further the act approved July 7, 1965 providing for the creation of a county license department in counties having a population of not less than 115,000 nor more than 165,000 according to the 1960 or subsequent federal decennial census, electing to come under the provisions of said Act (Act 103, S. 222, Regular Session, 1965) by providing for the appointment of a license inspector for such county or counties and to fix his duties and responsibilities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1147. To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1153. To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Branyon	Folsom	Lindsey	Pierce	
Carr	Giles	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1154. To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1149. To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson	Oden	Vacca	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 1098. To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham
Bailes	Folsom	Lolley	Pierce
Branyon	Giles	Morrow	Radney
Carr	Gilmore	Nabors	Skidmore
Childs	Givhan	O'Bannon	Stone
Clark	Goodwyn	Oden	Turner
Cooper	Jackson		

—25

Nays: —0

The Bill:

H. 1096. Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Oden	Turner
Clark	Harris		

—25

Nays: —0

The Bill:

H. 1104. Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McDermott	Radney
Albea	Folsom	Morrow	Skidmore
Bailes	Giles	Nabors	Stone
Branyon	Harris	O'Bannon	Torbert
Carr	Hawkins	Oden	Turner
Clark	Jackson	Pierce	Vacca
Dominick	Leonard		

—25

Nays: —0

The Bill:

S. 806. To further amend Act No. 216, H. 598, Regular Session 1957 (Acts 1957, Vol 1, p. 273), which relates to Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1076. Relating to Jefferson County; providing for the disposal by the county purchasing agent, or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Bailes	Folsom	Lolley	Pierce	
Carr	Giles	McCarley	Radney	
Childs	Gilmore	McDermott	Skidmore	
Clark	Harris	Morrow	Stone	
Cooper	Hawkins	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1075. To amend further Section 18 of Title 19, of the Code of Alabama of 1940, as heretofore amended by an Act entitled "An Act to amend Section 18 of Title 19 of the Code of Alabama of 1940," Act No. 758, Regular Session of the Legislature of Alabama 1953, (Acts of 1953, Vol. 2, Pages 1020 and 1021), so as to provide for the exemption of cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, from posting bond for right of entry in condemnation appeals from probate court to circuit court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Albea	Engel	Lindsey	Pelham	
Bailes	Folsom	Lolley	Pierce	
Carr	Giles	McCarley	Radney	
Childs	Gilmore	Morrow	Skidmore	
Clark	Givhan	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1080. To authorize any County of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, to reimburse any officer, agent or employee of the County for any taxes which another State, or any County, municipality or political subdivision thereof, exacts from, or charges, such officer, agent or employee when he obtains in such other State lodging, or other facilities or items, which it is necessary for him to obtain in the performance of his duties for the County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Giles	Lindsey	Skidmore	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1073. To amend Section 3 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, Page 1132, et seq) which fixes, levies, and requires the payment of a license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Pelham	
Bailes	Folsom	Leonard	Pierce	
Carr	Giles	Lindsey	Stone	
Childs	Gilmore	Lolley	Torbert	
Clark	Givhan	McCarley	Turner	
Cooper	Goodwyn	Morrow	Vacca	
Dominick	Harris			—25

Nays: —0

The Bill:

S. 805. To fix the salary of the Clerk of any inferior State or County Court now having two judges in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census and to regulate the payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Bailes	Engel	Jackson	O'Bannon	
Branyon	Giles	Leonard	Pelham	
Carr	Gilmore	Lindsey	Radney	
Childs	Givhan	Lolley	Skidmore	
Clark	Goodwyn	McDermott	Stone	
Cooper	Harris			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 870. To provide for a refund of a portion of the state tax paid on gasoline which is used solely for the fixed and static testing of engines manufactured or remanufactured in the State of Alabama; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the Commissioner of Revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 76. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-eighth Legislative Day only:

BILL NO.	PAGE
SB 774	133

On motion of Mr. Clark, said Resolution was adopted by the Senate.

On motion of Mr. Clark, further consideration of the special order for the day, S. B. 774, as set out in the Resolution, S. R. 76, was postponed as unfinished business for the next Legislative Day.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 77. RESOLVED BY THE SENATE OF ALABAMA That a select committee be appointed by the Chair to consider S. B. 774, as amended, without said bill being committed thereto, to determine whether the differences between the proponents and opponents of said bill may be resolved, said select committee to report to the Senate at the beginning of the 29th legislative day.

On motion of Mr. Clark, said Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members of said Committee Mr. Torbert, Chairman, Mr. Pelham, Vice-chairman and Messrs. Skidmore, Harris, Turner, Morrow and Clark.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 78. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-eighth Legislative Day only:

BILL NO.	PAGE
SB 112	4
HB 168	100
SB 749	109
SB 751	109
HB 400	137
HB 513	97
SB 637	55
HB 776	82
SB 743	93
HB 45	135
SB 649	49
HB 396	45
SB 117	3
SB 161	11
SB 163	25
SB 334	29
SB 528	49
SB 639	93
SB 664	93

HB 534	142
HB 439	81
HB 780	53
HB 414	77
SB 71	6
SB 72	6
HB 408	96
HB 409	97
HB 410	98
HB 411	99
HB 412	99
SB 474	61
SB 473	60
SB 472	59
HB 525	147
HB 635	72
SB 566	38
SB 567	92
SB 369	42
SB 140	9
SB 139	9

On motion of Mr. Clark, said Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 112. To create the office of Supernumerary Probate Judge in the various counties of Alabama; prescribing the qualifications, term, duties, powers, authority, compensation or salary of such judge, and providing for the payment of the compensation or salary of any county Supernumerary Probate Judge.

Mr. Turner offered the following substitute for the Bill, S. B. 112, to-wit:

SUBSTITUTE FOR S.B. 112

A BILL
TO BE ENTITLED
AN ACT

To create the office of Supernumerary Probate Judge in the various counties of Alabama; prescribing the qualifications, term, duties, powers, au-

thority, compensation or salary of such judge, and providing for the payment of the compensation or salary of any county Supernumerary Probate Judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Eligibility—Any Probate Judge or person who has served as Judge of Probate of any county of this state:

(a) Who has served fifteen years or more as Probate Judge and who is not less than sixty-five years of age; or who has served as such continuously for more than fifteen years and has attained age sixty-five less one year for each year of service in excess of fifteen; or

(b) Who has served continuously for fourteen years or longer as Probate Judge and who is not less than sixty years of age and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

(c) Who has served as a county official for not less than eighteen years, the last ten years or more being continuously as Probate Judge, and who is not less than sixty years of age;

May elect to become a Supernumerary Probate Judge of the county in which he has served by filing a written declaration to that effect with the Governor. If the Governor shall find that any such declarant is qualified under either (a), (b) or (c), as hereinabove set forth a Commission as Supernumerary Probate Judge of such county shall thereupon be issued to such declarant by the Governor. The office of Probate Judge made vacant by the election of any such declarant shall be filled by appointment of the Governor as provided by law. Service as a county official, as provided in (c) above, shall include any county wide elected office or state elected office, and shall include any Chief Clerk of the Probate Judge of any county:

Section 2. Such Supernumerary Probate Judge for the county shall take the oath of office prescribed by the Constitution for judicial officers, which oath shall be filed in the office of the Clerk of the Circuit Court of the County. The Supernumerary Probate Judge shall have and exercise all the authority, powers and duties of the Probate Judge in such county.

Section 3. If a vacancy shall occur in the office of the Judge of Probate in the county in which the Supernumerary Judge of Probate holds his commission, he shall immediately assume and exercise all the duties, powers and authority of such official in said county until a successor is appointed. All fees and commissions which may become due while such Supernumerary is so acting shall be paid into the county general fund. All clerk hire during such period of time shall be paid from the county general fund. The official bond of such Supernumerary official to be fixed and approved by the county governing body, the cost of which shall be paid by the county.

Section 4. The governing body of each county in which the Judge of Probate is paid a salary, shall begin deducting upon the effective date of this act and each month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars ($15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars

($15,000.00) of all fees and commissions collected during the preceeding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided herein, an amount equal to one-half (½) of the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. Provided, however, that this Section (4) shall not apply in any county in which the judge of probate is eligible to become entitled to any other state of county retirement or supernumerary act, which he may elect to come under.

Section 5. The Compensation of each Supernumerary Probate Judge shall be the sum of Four Hundred Fifty Dollars ($450.00) per month, which compensation or salary shall be paid out of the general fund of the county, provided that this provision shall not affect the provisions of any local act or act of local application now in effect.

Section 6. If any Judge or Probate is eligible for retirement under any other county retirement act, he shall make a choice as to which act he desires to come under and shall so notify the county governing body within sixty days after receiving the appointment as Supernumerary Judge of Probate.

Section 7. The right to elect to become such Supernumerary Probate Judge shall apply only to Probate Judges in counties who have been elected to that office. Such Supernumerary Probate Judge shall hold office for life, and may be removed only by impeachment for the causes specified in the Constitution of Alabama.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed insofar as the same may be in conflict herewith, it being the intention of the Legislature not to repeal any other Retirement or Supernumerary Act.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden
Albea	Giles	Lolley	Pelham
Branyon	Givhan	McCarley	Radney
Carr	Goodwyn	McDermott	Stone
Childs	Harris	Morrow	Torbert
Clark	Hawkins	Nabors	Turner
Engel	Jackson	O'Bannon	Vacca

—27

Nays: —0

And said Bill, S. B. 112, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 2.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Bailes	Giles	Lolley	Radney	
Branyon	Givhan	McCarley	Stone	
Carr	Goodwyn	Morrow	Torbert	
Childs	Harris	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Engel	Jackson	Oden		—26

Nays: Messrs. Albea and McDermott —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Neville and Paulk:

H. 1041. To authorize each county in this state in which there is now or hereafter levied any privilege license or excise tax the proceeds of which tax may be used in whole or in part for the acquisition, construction, improving, enlarging, renovating, replacing, equipping, operating, maintaining and repairing public hospitals, public clinics, public health centers and related public health facilities in such county, whether any such hospital, clinic, center or facility is owned by the County or a corporation heretofore or hereafter organized or created pursuant to authorization or determination of the governing body of the County, or for one or more of such purposes, to issue to the extent of its constitutional debt limit, interest bearing warrants, certificates of indebtedness or other evidences of indebtedness (other than bonds to which the provisions of Section 222 of the Constitution of Alabama of 1901 apply) for any one or more of the purposes to which the proceeds of such tax may be applied, to provide that the governing body of the County issuing any such warrants, certificates of indebtedness or other evidences of indebtedness shall pledge and use or cause to be pledged and used for the payment of the principal of and interest on such obligations and to provide a reserve fund therefor, so much as may be necessary for such purposes of the proceeds of such tax, to provide that the proceedings authorizing their issuance may provide that such warrants, certificates of indebtedness or other evidence of indebtedness shall evidence the general obligation of the County by which they are issued, in which case the full faith and credit of the County shall be irrevocably pledged for the payment of the principal thereof and the interest thereon, in addition to the pledge of said tax, or in the alternative, that such proceedings may provide that such warrants, certificates of indebtedness and other evidences of indebtedness shall be payable solely from the proceeds of said tax, in which case the full faith and credit of the County shall not be pledged to the payment thereof and the obligation of the County to pay the same shall be limited to the tax so pledged; to provide for the public sale of such warrants, certificates of indebtedness or other evidences of indebtedness; to provide for the refunding of such warrants, certificates of indebtedness or other evidences of indebtedness; to provide that such warrants, certificates of

indebtedness or other evidences of indebtedness shall be legal investments for executors, administrators, trustees and other fiduciaries and to provide that insofar as the provisions thereof may be inconsistent with any other provisions of law, the provisions thereof shall control and declaring that the provisions of Section 78 of Title 12, Alabama Code of 1940 shall not be applicable to warrants, certificates of indebtedness or other evidences of indebtedness issued under the provisions thereof.

Also:

By Messrs. Higginbotham, Turnham and Brassell:

H. 1015. To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

Also:

By Messrs. Neville and Paulk:

H. 1042. To regulate the salary of the jailer in Macon County, payable out of the general funds of the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate the salary of the jailer in Macon County, payable out of the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The jailor appointed by the sheriff of Macon County shall receive a salary not to exceed $200 per month. Such salary shall be fixed by the court of county commissioners or like governing body of the county and shall be payable in equal installments out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1043. To amend further Act No. 299, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Further Act No. 299, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 290, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation," is hereby further amended to read as follows:

Section 1. The sheriff of Macon County shall have and appoint one chief deputy and two additional deputies whose compensation shall be paid as herein provided: The chief deputy shall be entitled to a salary of not more than four hundred fifty dollars a month: one of the additional deputies shall be paid a salary of not more than four hundred dollars a month, and the other one shall be paid a monthly salary of not more than three hundred fifty dollars. Such salaries shall be fixed by the court of county commissioners, board of revenue, or like governing body of Macon County, and shall be paid at the discretion of the county governing body from either the highway and traffic fund or the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1044. To provide a clerk hire allowance for the sheriff of Macon County, payable out of the general funds of the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide a clerk hire allowance for the sheriff of Macon County, payable out of the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Macon County shall provide an allowance not to exceed $100 per month to the sheriff of Macon County for clerk hire. The amount of such allowance shall be determined by the county governing body and shall be payable out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1045. Relating to Macon County; amending further Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225) which created and established the board of revenue of Macon County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Macon County; amending further Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225) which created and established the board of revenue of Macon County:

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225), the act which created and established the board of revenue of Macon County, is further amended to read as follows:

"Section 10. The members of the Board of Revenue, including the chairman, shall each be entitled to receive a monthly salary of three hundred fifty dollars for the performance of their duties, to be paid out of the county

treasury on the certificate or warrant of the chairman. In addition each member shall be entitled to ten cents per mile for each mile traveled on official business, but the total mileage allowance claimed by or paid to any member for any calendar month shall not exceed one hundred dollars."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1046. Relating to Macon County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Macon County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be give dollars ($5.00), and shall be collected by the sheriff.

Section 2. Three dollars of each fee so collected shall be deposited in the general fund of Macon County, and two dollars shall be deposited into a fund to be designated The Sheriff's Fund, to be used by the sheriff for the betterment of law enforcement within the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Mr. Neville:

H. 1051. To regulate further the recording and indexing of deeds, mortgages and other documents and instruments, which are public records, by the probate judge of Barbour County; To provide for the recording of all instruments in one general series of books in each separate division of the county; to provide that instruments will have effect only in the division wherein recorded; providing for the re-indexing of certain records filed heretofore in each of the separate divisions of the county and the placing of a copy of such index in the division where the instrument was not filed; and providing for the binding and maintenance of copies of certain maps in each division of the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate further the recording and indexing of deeds, mortgages and other documents and instruments, which are public records, by the probate

judge of Barbour County; To provide for the recording of all instruments in one general series of books in each separate division of the county; to provide that instruments will have effect only in the division wherein recorded; providing for the re-indexing of certain records filed heretofore in each of the separate divisions of the county and the placing of a copy of such index in the division where the instrument was not filed; and providing for the binding and maintenance of copies of certain maps in each division of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of the separate books now required to be kept by the judge of probate of Barbour County in each of his offices for the purpose of recording each kind or class of instrument which he is or hereafter may be required by law to record, said judge of probate shall, except as hereinafter provided, record all of these instruments in one general series of books in the Eufaula Division and one general series of books in the Clayton Division, called "Official Records." The series shall be numbered consecutively beginning with number one, except that the number on the books in the Clayton Division shall be preceded by the letter "C" and the number on the books in the Eufaula Division shall be preceded by the letter "E." Said instruments shall have effect only in the division of the county where recorded, and to be effective in both divisions must be recorded in both divisions. As used in this section the terms "Eufaula Division" and "Clayton Division," mean and refer to the divisions of Barbour County provided for and defined in Sections 2 and 3 of Act. No. 620 of the Regular Session of 1961, (Acts, 1961, p. 735).

Section 2. In lieu of separate indexes for each kind or class of instrument, a general alphabetical index, direct and reverse to any or all kinds or classes of instruments shall be kept by the judge of probate.

Section 3. The recording of instruments in "Official Records" as set forth in Section 1 imparts notice in like manner and effect as if the instruments were recorded in separate books.

Section 4. Certificates of judgments and other certified decrees recorded in the "Official Records" shall become liens on the real estate of the defendants in the division of the county where the same are recorded in the same manner as if recorded in the judgment record as provided by Article 8 of Title 7 of the Code of Alabama.

Section 5. The probate judge may make notations of mortgate assignments and satisfactions of the margin of the record of the mortgage or lien satisfied or assigned. He may, in his discretion, require that assignments and satisfactions be made by separate recorded instruments.

Section 6. The direct index provided for in section 2 shall embrace, at least, the following features, and should be so ruled: Grantor, grantee, instrument, date of instrument, date of filing, where recorded, volume, page, brief abstract of description. The reverse index, shall embrace at least the following features, and shall be so ruled: Grantee, grantor, instrument, date of instrument, date of filing, where recorded, volume, page, brief abstract of description. The name of each grantor (or defendant, in the case of judgments and liens) shall be indexed separately in the direct index, and the name of such grantee (judgment creditor, or lien claimant in the case of judgments and liens) shall be indexed separately in the reverse index. When the instrument contains a recital that a grantor is the heir of a named former owner or had a former stated name, such former owner or former name shall be in-

dexed separately in the direct index with a parenthetical explanation; e.g. Doe, John (Heirs) or Doe, Jane (now Jane Smith).

Section 7. Whenever deemed advisable by the county governing body, the probate judge shall, at the expense of the county, have all or a portion of the instruments which were recorded prior to the effective date of this Act indexed to date as is indicated herein, or in a manner substantially similar thereto. Within 90 days after the date on which this Act becomes law, the probate judge shall make for the county governing body a detailed estimate of so indexing prior records, so that the said governing body may consider the feasibility of authorizing the expense of so indexing all or various portions of the same.

Section 8. For the additional duties required of the probate judge in recording the brief abstract of description in documents, he shall be entitled to an additional fee of for each name indexed for which the said brief abstract is required.

Section 9. The following documents and instruments shall be recorded and indexed as indicated, instead of in the manner set forth in section 1 herein, but shall have effect only in the division of the County where recorded, and to be effective in both divisions must be recorded in both divisions:

(a) Maps and Plats shall be recorded in Map Books and indexed both therein and in the index to "Official Records."

(b) Hospital Liens shall be recorded and indexed as provided in Article 15 of Title 33 of the Code of Alabama.

(c) Financing Statements shall be recorded and indexed as provided in Sections 9-401–9-406 of Act No. 549, S. 2, of the Regular Session of 1965, (Acts 1965, p. 811), (which now appears in Title 7A, at Sections 9-401–9-406 of the Code of Alabama).

Section 10. Probate court records shall be indexed in accordance with laws pertaining to such Court.

Section 11. Indexing of records of towns, companies and corporations, and other entities, which have a name beginning with the word "The" or with the word "Town" or "City" before them, shall be indexed under the name of the entity without the word "The," "Town," "City," listed; e.g., the Clayton Banking Company shall be indexed under the appropriate subdivision of the letter "C" and "The City of Eufaula" shall be indexed under the appropriate division of the letter "E." Agencies of the State of Alabama shall be indexed under the appropriate division of the letter "A" with Alabama and the name of the agency, and agencies of the city of Eufaula shall be indexed under the appropriate division of the letter "E" with Eufaula and the name of the agency.

Section 12. In order to give notice of the matters contained herein to members of the public who are using the records in the office of the probate judge, he shall keep a copy of this Act framed and on public display in a prominent place in each of his offices.

Section 13. The probate judge may require that conveyances or other instruments tendered for filing state the division in which they are to be recorded before accepting such conveyances or other instruments for filing, but he shall not be responsible for seeing that said instruments are filed or recorded in the proper division.

Section 14. Within six months after the date on which this Act becomes law, the probate judge shall, at the expense of the county, index all records recorded in Clayton prior to the effective date of this Act, except those required to be recorded in Clayton by S3 of Acts 620, Acts of 1961, page 735, and he shall place said index in his office in Eufaula.

Section 15. Within six months after the date on which this Act becomes law, the probate judge shall, at the expense of the County, index all records recorded in Eufaula prior to the effective date of this Act, except those required to be recorded in Eufaula by S3 of Act 620, Acts of 1961, page 735, and he shall place said index in his office in Clayton.

Section 16. Within 90 days after the date on which this Act becomes law, the Probate Judge at the expense of the county shall bind all right-of-way and highway maps of the County which are on file in his office into well-bound books and shall index them and shall obtain and similarly bind a duplicate set of such maps and shall place one set in each of his said offices.

Section 17. After the effective date of this Act, all highway and right of way maps which are required by law to be deposited in the office of the probate judge shall be deposited in duplicate and a copy recorded in a map book at each office.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are repealed.

Section 20. The substantive provisions of this Act shall become effective January 1, 1970; however, this Act shall for the purpose of authorizing the judge of probate to obtain books, records and supplies needed to effectuate the Act, become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: 6/17, 24, 24 7/1, 8.

JOEL P. SMITH.

Sworn to and subscribed before me this the 15th day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public, Barbour Co., Ala.

Also:

By Messrs. Neville and Paulk:

H. 1052. To amend Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) which act authorizes the board of revenue or like governing body of Macon County to levy a privilege or license tax on

persons selling or distributing any malt or brewed beverages to retailers in Macon County; so as to increase the rate of the tax.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) which act authorizes the board of revenue or like governing body of Macon County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Macon County; so as to increase the rate of the tax.

Be it enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) relating to the privilege or license tax on distributors or sellers of malt or brewed beverages to retailers in Macon County is amended to read as follows:

"Section 1. The board of revenue or like governing body of Macon County may levy a privilege or license tax on all persons, corporations, copartnerships, companies, agencies, and associations selling, distributing, or delivering to retailers in Macon County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to not more than four cents on quantities of twelve fluid ounces or less, six cents on quantities of more than twelve but not exceeding sixteen fluid ounces and eight cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and four cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law."

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was

Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, June 5, and June 12, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1053. Relating to Macon County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; and providing penalties for violations of the act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Macon County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; and providing penalties for violations of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, the state sales tax act, and in Code of Alabama, 1940, Title 51, Chapter 20, Article 11, as amended, shall, where used in this act, have the meanings respectively ascribed to them in said Act No. 100 and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following

respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the State Department of Revenue pursuant to the state use tax statutes or licensed under the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. There are hereby levied and imposed in Macon County, in addition to all other taxes of every kind now imposed by law, county privilege or license taxes to be determined by the application of rates against gross sales or gross receipts as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Macon County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidence of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified when his books are kept, so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the State Department of

Revenue a sworn statement to that effect and shall keep and maintain records satisfactorily to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

2. Upon every person, firm, or corporation engaged or continuing within Macon County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Macon County, an amount equal to one per cent of the gross receipts of any such business.

3. Upon every person, firm or corporation engaged or continuing within Macon County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one-fourth of one per cent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

4. Upon every person, firm or corporation engaged or continuing within Macon County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of personal property an amount equal to one-fourth of one per cent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

5. There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

6. An excise tax on the storage, use, or other consumption in Macon County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this act shall become a law, for storage, use or other consumption in Macon County, at the rate of one per cent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Macon County or in this State, except as provided in subsections 7 and 8 of this section.

7. An excise tax on the storage, use or other consumption in Macon County of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the first day of the month next succeeding the month during which this act becomes a law, for storage, use or other consumption in this State at the rate of one-fourth of one per cent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

8. An excise tax is hereby imposed on the storage, use or other consumption in Macon County of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, purchased at retail on or after the effective date of this act, at the rate of one-fourth of one per cent of the sales price of any such machine; provided that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

9. There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Macon County tangible personal property purchased at retail, shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 4 of this act to the purchaser of any property to be used, stored, or consumed in Macon County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 3. The taxes levied in Section 2, subsections 1, 2, 3, and 4 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 2, subsections 7 and 8 of this act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2, subsections 1, 2, 3, and 4 hereof to be used as a measurement of the tax levied in said Section 2, subsections 1, 2, 3 and 4, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 2, subsections 6, 7, and 8 hereof, the total

sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 2, subsections 6, 7 and 8, during the then preceding quarterly period; however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the State Department of Revenue may require. Any person subject to the taxes levied in Section 2, subsections 1, 2, 3, and 4, hereof, may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the chairman of the Macon County governing body, or his designated agent at reasonable times during business hours.

Section 4. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Macon County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 2, subsections 6, 7 and 8 hereof,) shall at the time of making such sale or if the storage, use, or other consumption of such tangible personal property in Macon County is not then taxable under this act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2, subsections 1, 2, 3, and 4, of this act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 3 hereof, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the department showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 2, subsections 6, 7, and 8, of this act during the then preceding quarterly period and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return, provided that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Macon County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed by Section 2, subsections 6, 7, and 8 of this act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 3.

Section 5. Each person engaging or continuing within Macon County in a business subject to the taxes levied in Section 2, subsections 1, 2, 3 and 4, of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2, subsections 1, 2, 3, and 4; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 4 hereof to collect. It shall be unlawful for any person

subject to the tax levied in said Section 2, subsections 1, 2, 3 and 4, to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 2, subsections 6, 7 and 8, of this act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 6. The taxes imposed by this act shall constitute a debt due the Macon County governing body and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this State which apply to the enforcement of liens for license taxes due this State shall apply fully to the collection of the taxes herein levied and the State Department of Revenue, for the use and benefit of the Macon County governing body shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this State or the department has for collection of the state sales tax and the state use tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the provisions of this act including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and property from the proceeds of the taxes collected by it for the Macon County governing body.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, including discounts to licensees, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2, subsections 1, 2, 3 and 4, thereof, shall apply to the tax levied in the said Section 2, subsections 1, 2, 3 and 4, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2, subsections 6, 7, and 8, hereof, shall apply to the tax levied in the said Section 2, subsections 6, 7, and 8. The State Commissioner of Revenue and the State Department of Revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Section 2, hereof that are imposed on the commissioner and the department, respec-

tively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this act to the taxes herein levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The State Department of Revenue shall charge the Macon County governing body for collecting said special taxes herein levied by this act, the cost of making such collections which charge shall not exceed five per cent of the amount collected. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due the Macon County governing body. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this act, as such taxes are received by the Department of Revenue; and on or before the tenth day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of the Macon County governing body during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the Macon County governing body during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the Macon County governing body in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the Macon County governing body and paid into the state treasury.

Section 9. Proceeds from the taxes herein levied shall be used for the purpose of acquiring, constructing, improving, enlarging, renovating, replacing, equipping, operating, maintaining and repairing public hospitals, public clinics, public health centers and related public health facilities in Macon County, whether any such hospital, clinic, center or facility is owned by the County or by a public corporation heretofore or hereafter organized or created pursuant to authorization or determination of the governing body of Macon County, including the pledge of the taxes herein levied and the proceeds arising therefrom by the governing body of Macon County to the payment of any bonds, warrants or other obligations or evidences of indebtedness of the County which may hereafter be issued under authority of any law now existing or hereafter enacted, for any one or more of the aforesaid purposes. Any pledge of such taxes and the proceeds arising therefrom shall constitute a contract and this act shall not be repealed, altered or amended in such a way as to impair the obligation of such contract. Subject to any such pledge or pledges which shall be a prior lien and claim on said tax and the proceeds therefrom, any part of such proceeds not needed in the judgment of the governing body of the County for the aforesaid purposes may be expended for such purposes as in the judgment of the governing body are meet and proper.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective on the first day of the second month succeeding the month during which it becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

Also:

By Messrs. Neville and Paulk:

H. 1054. To amend Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama, Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MACON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama, Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury, is hereby amended to read as follows:

"Section 2. The compensation of such clerk shall be paid from the county treasury on warrant drawn by the tax collector, but the total amount to be paid from the county treasury in any fiscal year shall not exceed one thousand dollars ($1,000.00)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1969.

NEIL O. DAVIS.

Sworn to and subscribed before me July 11, 1969.

CAROL W. ROUSH,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1041. To the Committee on Finance and Taxation.

H. B. 1015. To the Committee on Judiciary.

H. B.'s 1042, 1043, 1044, 1045, 1046, 1051, 1052, 1053 and 1054. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Beck and Meade:

H. 1066. Relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

Also:

By Mr. Holladay:

H. 1106. Relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to $15.00 per day.

Also:

By Messrs. Beck and Meade:

H. 1108. To alter, rearrange and extend the boundary lines and corporate limits of the town of Mentone, in DeKalb County, Alabama; and to prescribe the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a local Act, Law, or Bill will be introduced in the Legislature of the State of Alabama at the next session of the Legislature, or any session now pending, and at any ensuing session until passed, for the purpose of and in substance as follows:

AN ACT

To alter, rearrange and extend the Boundary lines and Corporate Limits of the Town of Mentone, in DeKalb County, Alabama; and to prescribe the time when this act shall, become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Mentone, in the County of DeKalb, State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said Town of Mentone all of the territory lying within the following described boundary, or within the following described territory, including that property heretofore included within the corporate limits of the said Town of Mentone, and to constitute as the boundary, or limit, of the said Town of Mentone the following, to-wit:

Begin at the northeast corner of the Northwest Fourth of the Northwest Fourth of Section 28, Township 5, South, Range 10, East, and run thence southwest to the northeast corner of the Southwest Fourth of the Northwest Fourth of the said Section 28, Township 5 South, Range 10 East; thence southwest to the northeast corner of the Southeast Fourth of the Southeast Fourth of Section 29, Township 5 South, Range 10 East; thence southwest to the northwest corner of the Northeast Fourth of the Northeast Fourth of Section 32, Township 5 South, Range 10 East; thence south along the quarter mile line to the northeast corner of the Northwest Fourth of the Southeast Fourth of the said Section 32, Township 5 South, Range 10 East; thence southwest to the southwest corner of the Southeast Fourth of the Southwest Fourth of the said Section 32; thence east along the south section lines of Sections 32, 33, and 34 of Township 5 South, Range 10 East, to the Southeast corner of the said Section 34; thence north

along the east section lines of Section 34 and Section 27 of Township 5 South, Range 10 East, to the northeast corner of the said Section 27; thence west along the north section line of the said Section 27 and continuing west along the north section line of Section 28, Township 5 South, Range 10 East to the northeast corner of the Northeast Fourth of the Northwest Fourth of the said Section 28, and to the point of beginning. 11 lying in DeKalb County, Alabama, and east of the Huntsville Meridian.

Section 2. Any law or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage, and approval by the Governor, or upon its otherwise becoming law.

Section 4. Should any part of this act be declared to be invalid by any court of competent jurisdiction such declaration, judgement, or decree shall not affect the validity of the remainder of this Act.

PUBLISHER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF DeKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Ben M. Smith, publisher of The Times-Journal, a newspaper published at Fort Payne, County of DeKalb, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of May 13, 20, 27, June 3, 1969.

BEN M. SMITH,
Publisher.

Sworn to and subscribed before me this 13th day of June, 1969.

MARY RUTH BROWN,
Notary Public.

My commission expires January 29, 1973.

Also:

By Messrs. Beck and Meade:

H. 1109. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Also:

By Messrs. McCorquodale and Agee:

H. 1110. Relating to counties having populations of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census; to regulate the insuring of certain public school buildings in such counties, together with the equipment, furniture, fixtures and other property of such buildings; to repeal conflicting laws.

Also:

By Messrs. McCorquodale and Agee:

H. 1111. Relating to counties having populations of not less than 25,700 nor more than 25,900 according to the most recent federal decennial census; to authorize the governing body in such counties to provide additional deputies for the sheriff; to repeal conflicting laws.

Also:

By Messrs. Drake, Starnes and McDonald:

H. 1120. To alter, or rearrange the boundary lines of the Town of Holly Pond, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

To alter, or rearrange the boundary lines of the Town of Holly Pond, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

BE IT ENACTED
BY THE LEGISLATURE
OF ALABAMA

Section 1. That the boundary lines of the Town of Holly Pond, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Holly Pond, Alabama, and in addition thereto the following described territory, to wit:

TRACT I

The Southwest Quarter of the Southwest Quarter; the East Half of the Southwest Quarter; the West Half of the Southeast Quarter; the South Half of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 10.

TRACT II

The Northwest Quarter and the East Half of the Southeast Quarter of Section II.

TRACT III

The West Half of the Southwest Quarter of Section 12.

TRACT IV

The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 13.

TRACT V

The East Half of the Northeast Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of Section 14.

TRACT VI

The Southeast Quarter; the West Half of the Northeast Quarter; the North Half of the Northwest Quarter of Section 15.

All in Township 10, South, Range I West of Huntsville Meridian in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
CULLMAN COUNTY

Before me Charlotte Miller, a Notary Public in and for said County and State, personally appeared Marc Miller, publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: May 29, June 5, 12 and 19, 1969.

MARC MILLER,
Publisher.

Sworn to and subscribed before me this, the 18th day of July, 1969.

CHARLOTTE MILLER,
Notary Public.

Also:

By Messrs. Drake, Starnes and McDonald:

H. 1121. To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 163, H. 168, approved March 30, 1965 (Acts of Alabama, Special Session 1965, v. 1, p. 209), an act creating the Cullman County Intermediate Court, is hereby amended to read as follows:

"Section 7. CRIMINAL PROSECUTIONS. (a) Prosecutions may be commenced in such court, upon sworn complaint made to the judge of the court in whose jurisdiction said offense is alleged to have been committed, which judge shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed in his jurisdiction and there is reasonable cause to believe that the accussed is guilty or upon sworn complaint made as prescribed by Code of Alabama of 1958, Title 13, Section 327, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid or destroyed a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

"(b) The Circuit Solicitor of the Thirty-Second Judicial Circuit and the County Solicitor of Cullman County shall have the power and authority upon sworn complaint on probable cause to issue writs of arrest for offenses allegedly committed in the jurisdiction of the Cullman County Intermediate Court. The Circuit Solicitor is to appear at all preliminary hearings on felonies and the County Solicitor to prosecute all other criminal actions before the court.

"(c) All solicitor's fees taxed and collected in all criminal cases in the Cullman County Intermediate Court shall be paid into the general fund of the Cullman County Board of Revenue by the Clerk taxing and collecting same. Also, the clerk of the court shall deduct for the use of the county twenty percent of any sum or sums collected for and remitted to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
CULLMAN COUNTY

Before me Charlotte Miller, a Notary Public in and for said County and State, personally appeared Marc Miller, publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: May 8, 15, 22 and 29, 1969.

MARC MILLER,
Publisher.

Sworn to and subscribed before me this, the 18th day of July, 1969.

CHARLOTTE MILLER,
Notary Public.

Also:

By Mr. Drake:

H. 1122. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census; to provide supplementary compensation for the secretary of the judge of the intermediate court in such counties; to repeal conflicting laws.

Also:

By Messrs. Drake, Starnes and McDonald:

H. 1123. To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act. No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act relating to the Cullman County sales and use tax law, is amended to read as follows:

"Section 7. The state department of revenue shall charge Cullman County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenues and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes col-

lected before certifying the amount of the proceeds thereof due Cullman County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him in to the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Cullman County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Cullman County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The net proceeds derived from the taxes levied by this Act shall be distributed as follows: The custodian of public school funds shall pay annually to the governing body of Cullman County and to the City of Cullman each the sum of $12,500 which shall be payable at the rate of $1,000 per month for eleven months and $1,500 for the twelfth month. Funds payable to the county governing body shall be paid into the county general fund and funds payable to the City of Cullman shall be paid to the city treasurer. Such funds shall be kept separate and apart from other funds and shall be used exclusively for the purpose of promoting industrial development or for recreational purposes. Exclusive of the $25,000 heretofore allocated to the county governing body of Cullman County and the City of Cullman to be used for the purpose of promoting industrial development or for recreational purposes, the remaining proceeds shall be divided equally between the board of education of Cullman County and the City of Cullman payable on a monthly basis. The board of education's share of the proceeds shall be used exclusively for educational purposes, including transportation, capital outlay, maintenance and upkeep of buildings and current expenses other than teachers' salaries. The city's share of the proceeds other than that specifically allocated by this Act for the promotion of industrial development and for recreational purposes shall be used for general municipal purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
CULLMAN COUNTY

Before me, Charlotte Miller, a Notary Public in and for said County and State, personally appeared Marc Miller, publisher of The Cullman Tribune, a

weekly newspaper published in Cullman, Cullman County, Alabama and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: April 24, May 1, 8 and 15, 1969.

MARC MILLER,
Publisher.

Sworn to and subscribed before me this, the 18th day of July, 1969.

CHARLOTTE MILLER,
Notary Public.

Also:

By Mr. Steagall:

H. 1124. To regulate further the times and places of registering voters in counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1066, 1106, 1108, 1109, 1110, 1111, 1120, 1121, 1122, 1123 and 1124. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Pruitt:

H. 1162. Relating to law enforcement in Marengo County; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARENGO

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement in Marengo County; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury for the general fund.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

THE STATE OF ALABAMA,
MARENGO COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared Goodloe Sutton, who is known to me, and who being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, in Marengo County, Alabama, and that the said Democrat-Reporter is printed in said Marengo County, Alabama, and is of general circulation in said County, and has been mailed under a Second Class mailing privilege at the United States Post Office at Linden, Alabama, regularly each and every week for a period of more than fifty-two (52) consecutive weeks prior to the publication of the Legal Notice, or Advertisement, of copy of which is hereto attached, and further that said Legal Notice, or Advertisement, was published in said newspaper, THE DEMOCRAT-REPORTER, for 4 consecutive weeks, to-wit: in the issues dated June 19, June 26, July 3, and July 10, 1969, and that each of above specified issues was duly circulated among the subscribers of said newspaper.

GOODLOE SUTTON,
Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this, the 21st day of July, 1969.

JEAN R. SUTTON,
Notary Public.

My Commission expires March 10, 1971.

Also:

By Mr. Tuck:

H. 1163. Relating to Pickens County; prescribing the meeting dates for the Court of County Commissioners.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PICKENS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Pickens County; prescribing the meeting dates for the Court of County Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue or other like governing body, of Pickens County, shall meet at least twice in each calendar month on the second and fourth Tuesdays of each month, at the court house or court house annex, to carry out the duties of the governing body as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PICKENS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Euteal V. Junkin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Pickens County Herald & West Alabamian, a newspaper of general circulation published in Pickens County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1969.

EUTEAL V. JUNKIN.

Sworn to and subscribed before me July 15, 1969.

ROBERT H. KIRKSEY,
Judge of Probate,
Pickens County, Alabama.

Also:

By Mr. Tuck:

H. 1164. To fix the compensation and allowance of election officers in Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF PICKENS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation and allowance of election officers in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. Election officers in Pickens County who are appointed and serve under provisions of Chapter 1, Title 17, Code of Alabama 1940, as amended, shall receive compensation and allowances as follows: the returning officer and the inspectors and clerks shall each be entitled to ten dollars ($10), and the returning officer shall receive in addition there to five cents a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. This Act shall be come effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PICKENS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Euteal V. Junkin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Pickens County Herald & West Alabamian, a newspaper of general circulation published in Pickens County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1969.

EUTEAL V. JUNKIN.

Sworn to and subscribed before me July 15, 1969.

ROBERT H. KIRKSEY,
Judge of Probate,
Pickens County, Alabama.

Also:

By Mr. Tuck:

H. 1165. To provide for the compensation of the deputy sheriffs of Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PICKENS

Notice is hereby given that a bill substantialy as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of the deputy sheriffs of Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, Alabama, the chief deputy sheriff shall be paid an annual salary of not more than $6,000.00, and every other deputy sheriff whose salary is payable from the county treasury according to the law shall be entitled to an annual salary of not more than $5,400.00. The exact amount of each of such salaries shall be fixed by the county governing body and shall be paid in equal monthly installments from the county treasury.

Section 2. Act No. 284, H. 657, Regular Session 1947 (Local Acts 1947, p. 217), an act relating to payment of the compensation of a deputy sheriff of Pickens County, as amended, and all other laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared Euteal V. Junkin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Pickens County Herald & West Alabamian, a newspaper of general circulation published in Pickens County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

EUTEAL V. JUNKIN.

Sworn to and subscribed before me July 17, 1969.

ROBERT H. KIRKSEY,
Judge of Probate,
Pickens County, Alabama.

Also:

By Mr. Tuck:

H. 1166. To provide for compenstion of jurors in Pickens County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF PICKENS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for compensation of jurors in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Pickens County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll. However, only one such travel allowance shall be paid a grand jury and only one such travel allowance shall be paid a petit juror for attending court pursuant to one summons. His service and travel expenses shall be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate which states therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other dues, and payable out of the county treasury.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PICKENS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Euteal V. Junkin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Pickens County Herald & West Alabamian, a newspaper of general circulation published in Pickens County, Alabama, and

that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1969.

EUTEAL V. JUNKIN.

Sworn to and subscribed before me July 15, 1969.

ROBERT H. KIRKSEY,
Judge of Probate,
Pickens County, Alabama.

Also:

By Mr. Fite:

H. 1167. To regulate the compensation of jurors in counties having populations of not less than 20,100 nor more than 21,850.

Also:

By Mr. Fite:

H. 1168. To regulate the compensation of jurors in counties having populations of not less than 14,500 nor more than 14,900.

Also:

By Mr. Dobbs:

H. 1179. To fix the compensation of jury commissions in all counties having populations of not less than 51,000 nor more than 56,000.

Also:

By Messrs. Bassett and Hardin:

H. 1180. To regulate the compensation of members of the county board of education in counties having populations of not less than 25,800 nor more than 26,700 according to the 1960 or any subsequent federal decennial census.

Also:

By Mr. Stubbs:

H. 1182. Relating to Shelby County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County, Alabama, for any use, gasoline, and diesel fuel as defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SHELBY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage, and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Shelty County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County, Alabama for any use, gasoline, and diesel fuel as defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

Be it Enacted by the Legislature of Alabama:

Section 1. The following words, when used in this Act shall have the meaning ascribed to them below unless the context clearly indicates a different meaning:

"Person" includes any corporation as well as a natural person.

"Gasoline" means any type of gasoline, naptha, or other liquid motor fuel, or any device or substitute therefor, commonly used in internal combustion engines.

"Diesel fuel" means any type diesel oil, tractor fuel, gas oil, distillate or liquified gas, or any device or substitute therefor.

Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline of diesel fuel in Shelby County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from or range in Shelby County for any use, gasoline, or diesel fuel as defined by this Act; provided, the tax shall not be levied or paid on the sale of gasoline, or diesel fuel in the interstate commerce or to the Government of the United States or its agencies, or direct to the State of Alabama. When the tax levied herein shall have been paid by a distributor, refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline or diesel fuel which is withdrawn from storage within Shelby County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, or diesel fuel prepares and files with the governing body of Shelby County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, or diesel fuel; the dates of such withdrawals; and the point or points outside the county to which such gasoline, or diesel fuel is delivered or is to be delivered.

Section 3. On or before the twentieth day of each month after this Act shall have become effective, every person upon whom the tax levied herein is imposed shall render to the governing body of Shelby County, on forms prescribed by the county governing body, a true and correct statement of all sales and withdrawals of gasoline, or diesel fuel liable for payment of the tax imposed by this Act made by him or them during the next preceding month; shall furnish to the county governing body such additional information as the county governing body may require upon blanks to be formulated and furnished by the county governing body, and, at the time of making such report, shall pay to the county governing body; the tax levied by this Act upon such sales and withdrawals. The statement herein required to be made by the dis-

tributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths. Any willfully false statement sworn to shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 4. All distributors, storers or retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents, or papers, as will clearly show the amount of sales or withdrawals of gasoline, or diesel fuel made in Shelby County and subject to the tax levied by this Act.

Section 5. Within 30 days after this Act shall have become effective, every distributor, storer or retail dealer enaged in the sale or withdrawal of gasoline, or diesel fuel in Shelby County shall make a report on blanks furnished under Section 3 hereof to the governing body of the county, showing the place and post office address at which his business of distributor or storer or retail dealer in gasoline, or diesel fuel is located in the county which information shall be entered by the county governing body on a book kept for that purpose, and should such distributor, storer, or retail dealer move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the county governing body of such removal, giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the passage of this Act, no person shall become a distributor, storer or retail dealer of gasoline, or diesel fuel in Shelby County until he shall have made such report to the county governing body.

Section 6. If any distributor, storer or retail dealer in gasoline, or diesel fuel in Shelby County willfully fails to make any report required by the provisions of this Act, or willfully fails to comply with any lawful regulation adopted by the county governing body for the collection of the tax, or willfully fails to make any report within the time prescribed, or willfully fails to pay the tax imposed within the time fixed for the payment thereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars for each offense.

Section 7. It shall be the duty of the court of county commissioners, board of revenue, or like governing body of Shelby County to enforce the provisions of this Act, and to make any and all rules and regulations necessary and proper for the collection of the tax levied herein. The county governing body or any member thereof or its agents shall have the right to examine the books, report, and accounts of every distributor, storer or retail dealer, of gasoline, or diesel fuel subject to such tax.

Section 8. If any distributor, storer or retail dealer in gasoline, or diesel fuel willfully fails to make monthly reports or fails to pay the tax imposed under the authority of this Act, the tax shall be deemed delinquent within the meaning of this Act, and there shall be added to the amount of his tax a penalty of twenty-five percent; provided, however, that if in the opinion of the county governing body a good and sufficient cause and reason is shown for such delinquency, the penalty may be remitted. The county governing body is hereby authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the county governing body shall issue

execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provied by law for the collection of delinquent taxes by the county tax collector, and make return of such execution to the governing body issuing the same. The tax levied by this Act and the penalty herein provided for shall be held as a debt payable to the county by the person against whom the same shall have been imposed or against whom the penalities shall have accrued; and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax levied by this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Each agent of any railroad company, bus, or truck operator, or other transportation company or agency operating in Shelby County shall report to the county governing body on the first day of October, January, April, and July of each year all shipments of gasoline, or diesel fuel as defined in this Act handled by him or through the station or office which he is an agent, and delivered to any person in Shelby county, Alabama, during the preceding three months, giving the names and addresses of the consignor and consignee shipping and receiving gasoline, or diesel fuel and the number of gallons or pounds contained in each and every shipment.

Section 11. The proceeds of the tax levied by this Act shall be paid into the Gasoline Fund of the Shelby County Board of Revenue and Control and shall be used exclusively for road construction and road maintenance in Shelby County.

Section 12. Gasoline or diesel fuel used for agriculture or industrial purposes and not used to propel motor vehicles upon the public highways of this county is hereby exempt from the levy of tax contained herein and such exemption may be claimed and refund of any such tax paid for such fuel so used shall be made by the Shelby County Board of Revenue and Control in accordance with regulations adopted by said Board and relating to existing State laws providing for refund of such exempt tax. Fuel used for domestic or commercial heating purposes is hereby exempt from the operation of this tax.

Section 13. This Act shall become effective only after passage by the Legislature of the State of Alabama, approval by the Governor, and approval by a majority of the electors participating in a special election to be held in Shelby County on the first Tuesday after the expiration of thirty days after the approval of this Act by the Governor of the State of Alabama. The special election shall be called by the Shelby County Board of Revenue and Control after giving due notice by publication for one week of such election as is provided by law.

Following said special election and in the event of the approval of this tax by the majority of the electors participating therein, this Act shall become effective on the first day or the fifteenth day of the next following month as may be determined by the Shelby County Board of Revenue and Control.

Section 14. The governing body of Shelby County shall be charged with the duty of enforcing the provisions of this Act.

Section 15. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 16. All laws or parts of laws in conflict with this Act are hereby repealed.

THE STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law, deposes and says that she is the Associate Editor of the SHELBY COUNTY REPORTER, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: May 1, 8, 15, and 22, 1969.

MILDRED W. WALLACE,
Associate Editor.

Subscribed and sworn to before me this 23rd day of May, 1969.

C. W. FOWLER,
Judge of Probate.

Also:

By Messrs. Culver, Bank, Robertson and Brown:

H. 1187. To alter, rearrange, and extend the Corporate Limits line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
TUSCALOOSA COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the Corporate Limits line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tuscaloosa, Tuscaloosa County, Alabama, be altered, rearranged, and extended so as to include within the Corporate Limits of said City the following additional territory:

As the point of beginning, begin at the most southern corner of Lot 37 of the University Lane Addition No. 1, a plat of which is recorded in Plat Book 6 at Page 96 in the office of the Probate Judge of Tuscaloosa County,

Alabama, which point is on the present City Limits Line; thence northwestwardly, along the southwest boundary of the said Lot 37, to the most western corner of the said Lot 37; thence northeastwardly along the northwest boundary of the said Lot 37 to a point, which point is the extension southeastwardly of the southwest boundary of Lot 2 and 3 of the said University Lane Addition No. 1; thence northwestwardly along the extension southeastwardly of the southwest boundary of the said Lot 2 and Lot 3 and along the southwest boundary of the said Lot 2 and Lot 3 and along the southwest boundary of Lot 4 of University Lane Subdivision, a plat of which is recorded in Plat Book 6 at Page 64 in the office of the Probate Judge of Tuscaloosa County, Alabama, to the most western corner of the said Lot 4, which point is on the south or southeast right-of-way line of University Lane; thence northeastwardly along the south or southeast right-of-way line of University Lane to a point, which point is the extension southeastwardly of the northeast boundary of Lot 1 of the J.R. Pugh Subdivision, a plat of which is recorded in Plat Book 4 at Page 13 in the office of the Probate Judge of Tuscaloosa County, Alabama; thence northwestwardly along the extension southeastwardly of the northeast boundary of the said Lot 1 and along the northeast boundary of the said Lot 1 to the most northern corner of the said Lot 1; thence southwestwardly along the northwest boundary of the said Lot 1 to a point, which point is on the north or northeast right-of-way line of the Greensboro Road (U.S. Highway No. 82); thence northwestwardly along the north or northeast right-of-way line of the Greensboro Road (U.S. Highway No. 82) for a distance of one hundred eight and fifty hundredths (108.50) feet, more or less, to a point; thence North twenty-nine degrees and thirty minutes East (N29 degrees 30'E) for a distance of six hundred sixty and thirty hundredths (660.30) feet, more or less, to a point; thence northwestwardly with a deflection angle of ninety-three degrees and forty-three minutes (93 degrees 43') to the left for a distance of one hundred ninety-one and thirty hundredths (191.30) feet, more or less, to a point; thence northeastwardly with a deflection angle of eighty-six degrees and fifty minutes (86 degrees 50') to the right, for a distance of one hundred (100.00) feet to a point; thence southeastwardly, with a deflection angle of ninety-three degrees and fifteen minutes (93 degree 15') to the right, for a distance of two hundred two and forty hundredths (202.40) feet to a point; thence North twenty-nine degrees and thirty minutes East (N29 degrees 30'E) for a distance of one hundred twenty (120.00) feet, more or less, to a point; thence North sixty-seven degrees and forty minutes West (N67 degree 40'W) for a distance of two hundred fourteen (214.00) feet, more or less, to a point; thence North twenty-nine degrees and thirty minutes East (N29 degrees 30'E) for a distance of one hundred twenty-five (125.00) feet, more or less, to a point; thence South sixty-seven degrees and forty minutes East (S67 degrees 40'E) for a distance of two hundred fourteen (214.00) feet, more or less, to a point, thence North thirty-six degrees and fifty minutes East (N36 degrees 50'E) for a distance of four hundred eighty-nine (489.00) feet, more or less, to a point; thence North eighty-nine degrees and zero minutes East (N89 degrees 00'E) for a distance of three hundred five (305.00) feet, more or less, to a point, which point is on the northwest boundary of Lot 7 of the said J.R. Pugh Subdivision; thence northeastwardly along the northwest boundary of Lots 7 through 10 of the said J.R. Pugh Subdivision to the most northern corner of the said Lot 10, which is also the southwest corner of Lot 3 of the Newton Subdivision No. 2, a plat of which is recorded in Plat Book 9 at Page 106 in the office of the Probate Judge of Tuscaloosa County, Alabama; thence southeastwardly along the southwest boundary of Lot 3 of the said Newton Subdivision No. 2 to the southeast corner of Lot 3 of the said Newton Subdivision No. 2, which point is also the most western corner of Lot 1 of the said

Newton Subdivision No. 2; thence northeastwardly along the northwest boundary of Lot 1 and Lot 2 of the said Newton Subdivision No. 2 to the most northern corner of Lot 2 of the said Newton Subdivision No. 2; thence southeastwardly along the northeast boundary of Lot 2 of the said Newton Subdivision No. 2 and its extension southeastwardly to a point, which point is on the south or southeast right-of-way line of University Lane; thence southwestwardly along the south or southeast right-of-way line of University Lane to a point, which point is the most northern corner of Lot 19 of the said University Lane Subdivision; thence southeastwardly along the northeast boundary of the said Lot 19 to the most eastern corner of the said Lot 19; thence southwardly and southwestwardly along the east and southeast boundary of the said University Lane Addition No. 1 to the most southern corner of Lot 37 of the said University Lane Addition No. 1 and the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl S. Elebash, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26 and July 3, all in the year 1969.

KARL S. ELEBASH, JR.,

Sworn to and subscribed before me July 3, 1969.

LULLENE DUBOSE,
Notary.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1179, 1180, 1182 and 1187. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 182. To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies.

And said bill, as thus amended by the Report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 547. Relating to all counties having populations of not less than 55,000 nor more than 60,000 according to the most recent federal decennial census; authorizing the employment of a deputy clerk for the jury commission and providing for his duties, tenure and compensation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Weeks and Bowers:

H. 376. To make appropriations from the general fund in the state treasury to the National Veterans Day Committee for the purpose of assisting in financing the National Veterans Day Programs in Birmingham.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 376. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 189. To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles; to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Nabors, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 189, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 189

In Section 7 add the following immediately prior to that sentence which begins "The Director of the Department of Public Safety" etc.

It shall be a misdemeanor for any state employee to obliterate, alter, cover or conceal all or any portion of a license plate affixed to a state vehicle.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Albea	Engel	Leonard	Pelham	
Bailes	Giles	Lindsey	Pierce	
Branyon	Gilmore	Lolley	Radney	
Childs	Givhan	McDermott	Turner	
Clark	Goodwyn	Morrow	Vacca	
				—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 239. To regulate the execution of certain public contracts for the sale of state-owned tangible personal property or standing timber by competitive bid; to provide for disposition of proceeds from such sales; and prescribe penalties.

By a vote of a majority of the whole number elected to the House, said vote being: Yeas 64, Nays 0.

And said bill, as thus amended by the executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House.

And said bill, together with the executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cameron, Harris, Springer, Hobbie, and McElhaney:

H. J. R. 101. WHEREAS Marion Rushton, one of Alabama's most respected and beloved citizens departed this life on May 9, 1969; and

WHEREAS Colonel Rushton was the senior member of the distinguished law firm of Rushton, Stakely, Johnston and Garrett, of Montgomery, and was one of the most brilliant and effective attorneys to ever practice at the bar of this state; and

WHEREAS Colonel Rushton served his country devotedly during two world wars, receiving citations for his service as administrative officer to the Undersecretary of War, and for having organized a judicial review board for desertion cases in World War II; and

WHEREAS Colonel Rushton served for many years as National Democratic Committeeman, resigning in 1948, on a matter of principle, which was highly in character for a man of unquestioned integrity and of devoted loyalty to the interests of the people of his state and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the death of Marion Rushton and expresses its sympathy to the family of one of the finest citizens this state has yet produced.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pierce, the Rules were suspended and the Resolution, HJR 101, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wood, McCorquodale, Perloff, Collins (W), Nettles, Lyons, Marr, Downing, Grayson, Collins (C), Edington, Melton, Agee, Garrett Owen (Baldwin), Brannan and Mays:

H. J. R. 103. WHEREAS, Auburn University has recently indicated that the Office of the State Toxicologist, located in Mobile, Alabama, will be removed from that city to Auburn, Alabama by January 1, 1970, and

WHEREAS, said office, under the able leadership of Dr. Nelson Grubbs, has been of invaluable assistance to law enforcement officials in the Mobile and South Alabama areas, and,

WHEREAS, law enforcement officials, the courts, and public has benefited greatly from the present location of the Office of the State Toxicologist in Mobile, Alabama,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the Office of the State Toxicologist, presently located in Mobile, Alabama, remain in that city; and

BE IT FURTHER RESOLVED, That the Secretary of State send a copy of this resolution to the President of Auburn University and to each member of the Board of Trustees of Auburn University.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDermott, the Rules were suspended and the Resolution, HJR 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Jackson (T):

H. J. R. 100. WHEREAS Hudson Powell Lipscomb Jr. of Bessemer, Alabama, one of the state's outstanding members of the legal profession, is celebrating his fiftieth year in the practice of law, and

WHEREAS Colonel Lipscomb, born in Lipscomb, Alabama on March 29, 1892, has served his country ably in two world wars, and contributed greatly to the betterment of his community and to the growth and development of the profession of Law, and

WHEREAS Colonel Lipscomb has for many years been considered by his colleagues as one of the most brilliant practitioners in the state and has initiated and trained his two sons, Powell and Albert to follow in their father's able footsteps, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Colonel Lipscomb on the observance of his fiftieth year in the profession to which he has

nobly and steadfastly devoted his life, and extend to him our heartfelt wish that he continue in the practice of law for many years to come.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Colonel H. P. Lipscomb.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Rules were suspended and the Resolution, HJR 100, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cameron, Harris, Springer, Hobbie and McElhaney:

H. J. R. 102. WHEREAS Floyd Hamilton Mooneyham, much respected as an attorney and as a civic and religious leader, passed away on May 2, 1969; and

WHEREAS Floyd H. Mooneyham served in the Alabama State Senate from 1935 to 1939, representing Montgomery County; and

WHEREAS Floyd H. Mooneyham had served as a member of the Board of Directors of the Salvation Army Childrens Home, was a former State President of Alabama Exchange Clubs, a Past Potentate of the Alcazar Temple of the Shrine; and

WHEREAS Floyd H. Mooneyham for many years was a dedicated Layman of the Methodist Church, serving at the time of his death as Chairman of the Board of Trustees and a member of the Board of Stewards of the First Methodist Church of Montgomery; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Floyd H. Mooneyham and extend our deepest sympathy to his widow and to the other members of his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mrs. Floyd H. Mooneyham.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pierce, the Rules were suspended and the Resolution, HJR 102, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 243, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relating to House Bill No. 243.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

July 8, 1969

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith, the Body in which it originated, House Bill No. 243 without my approval.

I respectfully suggest that the second paragraph of Section 1, amending Section 7, be amended to read as follows:

"The Cullman County Commission may provide and maintain necessary office space, including furniture, equipment, supplies, telephone service and such office personnel as may be necessary for a county highway engineer's office in the county courthouse, the cost therefor shall be paid from county funds other than county or state funds allocated to the Alabama Highway Department for Cullman County roads and bridges. All personnel employed as provided herein shall be subject to supervision and control of the Alabama Highway Department."

The adoption of the suggested amendment will remove my objection to the bill.

Respectfully,

ALBERT P. BREWER,
Governor.

July 8, 1969

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 243, by a vote of Yeas 67, Nays 0, which was a majority of the whole number elected to the House, and said bill:

H. 243. To amend further Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the

government of Cullman County, so as to provide further for the office of the resident county engineer.

Together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Folsom, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 243, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	McCarley	Radney	
Albea	Dominick	McDermott	Skidmore	
Bailes	Folsom	Morrow	Stone	
Branyon	Gilmore	Nabors	Torbert	
Carr	Givhan	O'Bannon	Turner	
Childs	Goodwyn	Oden	Vacca	
Clark	Harris			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 810, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 810 with a suggested Executive Amendment.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

August 7, 1969

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith, the Body in which it originated, House Bill No. 810 without my approval.

I respectfully suggest that subsection (c) of Section 6 of said bill be deleted and substitute therefor the following:

"(c) To acquire by purchase, gift, grant, bequest, devise or through condemnation proceedings exercised by the county or municipal governing body of the respective counties and cities of the district against such lands or rights-of-way as may be necessary; provided, however, acquisition through condemnation proceedings is not authorized against lands or rights-of-way otherwise devoted to public use."

I have discussed this amendment with the sponsors of this legislation and it is at their request that this Executive Amendment is made.

Respectfully,

ALBERT P. BREWER,
Governor.

August 7, 1969

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 810, by a vote of Yeas 68, Nays 0, which was a majority of the whole number elected to the House, and said bill:

H. 810. To create a mosquito abatement district in any two contiguous counties of this state having a combined population of not less than 360,000 nor more than 600,000, according to the most recent federal decennial census, for the purpose of controlling and abating mosquitoes and other vectors; to provide a mosquito control board for administrative purposes and to prescribe its authority; to provide for the appointment, number and terms of its members; to authorize the governing bodies of any county, city or town within the district to appropriate public funds for the purposes of this act.

Together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Engel, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 810, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Oden	
Albea	Gilmore	Lindsey	Pelham	
Bailes	Givhan	Lolley	Stone	
Branyon	Goodwyn	McDermott	Torbert	
Carr	Harris	Nabors	Turner	
Childs	Hawkins	O'Bannon	Vacca	
Engel	Jackson			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 556. To provide that the execution of certain contracts and purchases made by or on behalf of the Alabama Institute of Deaf and Blind shall be subject to the provisions of the state competitive bid law as provided by Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259) as amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 558. To amend Code of Alabama 1940, Title 52, Sections 528 and 530, in relation to the Institute for Deaf and Blind.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 78. To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 111. To prohibit the sale or delivery of certain harmful materials to minors; to define certain terms, to provide that it shall be unlawful to exhibit to minors certain prohibited practices; to provide that it shall be unlawful for minors to falsely represent their age to gain access to prohibited practices; to provide for procedures for the commencement of enforcement and

for application for the declaratory judgment; to provide that it shall be unlawful for any person to make false representation that he is the parent or guardian of minor for the purpose of gaining such minor access to prohibited practices; to place certain limitations upon the prosecution of persons accused of violating this act; to provide for exceptions; to provide for penalties; to provide the procedures connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1049. To create a judiciary fund in the county treasury of Barbour County, to be used for the purpose of obtaining, maintaining and making available for public use certain judicial reference materials; to provide for certain payments into the fund and to provide for and regulate expenditures from the fund; placing certain duties on the Judge of the Third Judicial Circuit, the county treasurer of Barbour County and the Barbour County Bar Association; and authorizing the county governing body of Barbour County to expend general funds of the county for the purpose of providing quarters and facilities for the proper care and storage and the convenient use of such judicial reference materials.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 352. To alter, rearrange and extend the boundary lines and corporate limits of the town of Dora in Walker County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 706. To regulate the sale and distribution of commercial fertilizers, fertilizer materials and other substances; requiring a license and permit for the sale thereof, prescribing the fee therefor, requiring labeling information; to levy an inspection fee upon the sale and distribution of fertilizers; prescribing the powers, duties and authority of the Commissioner of Agriculture and

Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; providing for the assessment and payment of penalties for fertilizers deficient in claimed plant food value; authorizing the State Board of Agriculture and Industries to fix minimum plant food content, grades and ratios for fertilizers and to adopt rules and regulations for the administration and enforcement of this Act; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 16 of Chapter 1 of Title 2, Code of Alabama 1940, as amended; also, to repeal Act No. 365, Legislature of 1947, approved August 16, 1947.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 310. For the relief of widows of governors of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 929. To alter, rearrange and extend the boundary lines and corporate limits of the town of Reece City in Etowah County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 138. Relating to cities having a population of not less than 100,000 nor more than 150,000 according to the last or any subsequent federal decennial census; providing for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in such cities.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 817. To levy additional county privilege license and excise taxes for public school purposes in Franklin County paralleling, with like provisions for the county, such state sales and use taxes levied by Act No. 100, Second Special Session 1959, as amended, and Acts supplemental thereto, and levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and Acts supplemental thereto; providing for the enforcement and collection of such taxes by the department of revenue and the distribution of the proceeds thereof and providing that this Act supersedes Act No. 516, approved November 19, 1959, Acts of Alabama 1959, Volume 2, page 1267.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Higginbotham, Turnham, Brassell, Neville, Edington, Lyons, Collins (C) and Downing:

H. J. R. 114. WHEREAS Honorable Joe Alex Killian, a native of this state and a graduate of Auburn University, died recently in Baltimore, Maryland, at the age of forty-six; and

WHEREAS Mr. Killian served the Alabama State Docks Department for twelve years in the field of advertising and public relations and gave to his native state the benefit of many years experience in the field of foreign trade and international relations; and

WHEREAS the citizens of this state bemoan the untimely death of one of our native sons, a former state employee of great ability and wish that a fitting memorial be established in his memory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Exhibit Room on the first floor of the International Trade Center at the Alabama State Docks in Mobile be named and designated the Joe A. Killian Room.

BE IT FURTHER RESOLVED, That the Director of the Alabama State Docks Department be and he hereby is directed to purchase from the funds of the State Docks Department a suitable bronze marker so designating said room as the "Joe A. Killian Room."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Engel, the Rules were suspended and the Resolution, HJR 114, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Melton, Manley, and Wood:

H. J. R. 111. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the multi-purpose building at Patrick Henry State Junior College be named and known as Roland Cooper Hall, as a fitting tribute to the Honorable Roland Cooper, who has served the cause of education with dedication and inspirational leadership as a State Senator, and who has displayed untiring efforts in behalf of Patrick Henry State Junior College and the surrounding community.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lindsey, the Rules were suspended and the Resolution, HJR 111, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Grayson, Watkins, Headley, Paulk, Foshee, Jackson (F), Harris, Brannan, Owen (Baldwin) Mays, Hardin, Bassett, Collins (W), Beck, Laxson, Owens (WE), Grainger, Gloor, Holman, Jones, Brown, Money, Hill, Stubbs, Haygood, Williams, Berryman, Starnes, Crawford, Harper, Wood, Pruitt, Shumate and Jackson (T):

H. J. R. 109. WHEREAS, the United States House of Representatives has initiated a realistic approach to public education in America by passing an anti-busing amendment which if passed by the United States Senate and becomes law shall put a stop to our public schools being used by Washington bureaucrats as experimental projects to advance their sociological theories regardless of harm done to our children and the destruction of our schools.

WHEREAS, the Governor of the State of Alabama, The Honorable Albert P. Brewer has expressed hope that Congress will take strong action to see that its mandate is followed by the Department of Health, Education and Welfare, the Justice Department and the courts, including "the cutting off of funds to these departments if necessary."

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES of the STATE OF ALABAMA, THE SENATE CONCURRING THEREIN:

That the United States Senate also pass the "anti-busing amendment" which was recently passed by the United States House of Representatives" as quickly as possible and that The President of the United States is respectfully urged to support said legislation.

BE IT FURTHER RESOLVED, That the Secretary of State be instructed to send copies of this resolution to the President of the United States and to each member of the United States Senate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Engel, the Rules were suspended and the Resolution, HJR 109, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Ellis, Gloor, Adwell, Jackson (F), Money, Gafford, Watkins, Sessions, Yeilding, Dill, Cook (Jeff), Meeks, Waggoner, Holman, Weeks, Kilgore and Bowers:

H. J. R. 110. WHEREAS, the U.S. Department of Health, Education and Welfare and its enforcement arm, the U.S. Department of Justice, has filed suits against Board's of Education in Jefferson County to further integrate the schools of said county; and,

WHEREAS, the Department of Health, Education and Welfare's proposed plan closed seventeen schools in the third largest school system in Alabama, creating overcrowded conditions and providing no room for future growth; and,

WHEREAS, the Department of Health, Education and Welfare has also proposed drastic changes in the largest school transportation system in the state, causing the Board of Education to buy more buses and hire more drivers and increase operating cost; and,

WHEREAS, the Department of Health, Education and Welfare goes far beyond the intent and purpose of the Civil Rights Act of Congress when it has asked that staff and teacher assignments be the prerogative of the federal courts instead of the board of education, it also has gone further in a sociological field than before, by suggesting a biracial advisory committee to advise and police the board in implementation of its plan; and,

WHEREAS, the Department of Health, Education and Welfare, now seeks to enter the field of curriculum selection suggesting remedial programs in reading and math and increased courses in Negro history, culture, and contributions; thereby, stripping the board of education of its last prestige of authority and further increasing its cost of operation and even suggesting that a complete reorganization of the school system may be necessary which would create complete chaos; and,

WHEREAS, the Legislature of this state has in an extraordinary session for education in this year, recognizing the importance of education for our children and has tried to raise the state from the bottom in aid to education, imposed taxes estimated at $30 million dollars on the people of Alabama which is a poor state and this was done despite the fact that the Department of Health, Education and Welfare and the Justice Department has closed $25

million dollars worth of schools in Alabama, some of which were totally new; and,

WHEREAS, the education acts passed by Congress has noted that first federal aid was needed in the so-called "impact areas", such as where military bases are located, to relieve overcrowding of students so their education would not be hindered by lack of buildings and facilities, but now the Department of Health, Education and Welfare, and the Justice Department insists that integration is more important than education and has asked the courts to close schools in Jefferson County costing millions of dollars and requiring the expenditure of more than $13 million dollars in two years to implement their plan of forced integration.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

Both Houses thereof concurring, That be it resolved by the Alabama Legislature in regular session, thereby calling on the President of the United States and the Congress for financial relief from this burden imposed on this county and state against our will; and,

Be it further resolved that the Federal Government pay the entire cost of renovation, construction, and reorganization necessary to implement this court ordered forced integration of our schools; and,

Be it finally resolved, that copies of this resolution be sent to members of Congress and the President of the United States.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Rules were suspended and the Resolution, HJR 110, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 168. To propose and provide for the submission of an amendment to the Constitution of Alabama to amend Amendment CCLXIX to said constitution proposed by Act No. 274, H. 297, Regular Session 1967 authorizing counties and municipalities to levy and collect additional property taxes for public library purposes, so as to provide further for the rate of the tax and the manner in which elections under this amendment shall be called.

Was read a third time at length as required by the Constitution and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:			
Albea	Giles	Leonard	O'Bannon
Carr	Givhan	Lindsey	Pierce
Clark	Goodwyn	Lolley	Radney
Engel	Harris	McCarley	Skidmore
Folsom	Hawkins	McDermott	Turner
	Jackson	Nabors	Vacca

—23

Nays: —0

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 107. Relative to recreating the Committee created by Act No. 219, 1967 Special Session.

Mr. O'Bannon offered the following amendment to the Resolution, H. J. R. 107 to-wit:

AMENDMENT TO H. J. R. 107

Amend H. J. R. 107 by adding, after the last sentence, the following: "No more than $5,000.00 may be expended by said committee for the duration of its tenure."

Which was adopted.

And said Resolution, H. J. R. 107, as thus amended, was then concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Folsom offered the following Motion in Writing, to-wit:

"I move that the House be requested to return to the Senate H. B. 423 by Mr. Bank, for Amendment.

"FRED FOLSOM"

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 749. To amend Section 712, Title 51, Code of Alabama, as amended, relative to the maintenance of the records of motor vehicle registration.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pierce	
Albea	Gilmore	McCarley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Branyon	Harris	Nabors	Stone	
Carr	Jackson	O'Bannon	Turner	
Engel	Leonard	Pelham	Vacca	
Folsom				—24

Nays: —0

The Bill:

S. 751. To establish the Alabama Program Development Office; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies and private groups and institutions engaged within this state in promoting the human, economic and physical re-

sources of the state or in the several regions or areas thereof; to provide for the appointment of the Director of Program Development and the employees of the Alabama Program Development Office; to define the powers and duties of the Alabama Program Development Office; to transfer to the Alabama Program Development Office all the functions, powers, authority and duties and all the books, records, supplies, equipment and personnel heretofore had, exercised, used or employed by the State Planning and Industrial Development Board; to repeal all laws in conflict with this Act.

was taken up.

Mr. Clark offered the following amendment to the Bill, S. B. 751, to-wit:

AMENDMENT TO S. B. 751

Amend S. B. 751 by striking the words "Alabama Program Development Office" in every place they appear in said bill and in the title except in Section 5, paragraph 2 thereof, and substitute in lieu of said stricken words "Alabama Development Office."

Further amend S. B. 751 by striking from paragraph 2 of Section 5 of said S. B. 751 in the last sentence of said paragraph the words "are hereby transferred to the Alabama Program Development Office" and insert in lieu of said stricken words the following:

"are hereby transferred to the Alabama Program Office."

Further amend S. B. 751 by adding the following to Section 5 of said S. B. 751:

"The Alabama Development Office is hereby authorized to make grants from said appropriations to regional planning and development commissions which are certified to receive such grants by the Governor under the provisions of an act passed during the Regular Session of the Alabama Legislature, 1969, being S. B. 378, an act to provide for the delineation and designation of state planning and development districts and to authorize the governing bodies of counties and municipalities to establish regional planning and development commissions."

Further amend said S. B. 751 by striking the words "Director of Program Development" where they appear in the second sentence of Section 2 (a) and insert in lieu thereof the following:

"Director of Development"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	Lolley	Radney
Carr	Givhan	McCarley	Skidmore
Childs	Goodwyn	McDermott	Stone
Clark	Harris	Morrow	Turner
Engel	Jackson	Nabors	Vacca

—27

Nays: —0

And said Bill, S. B. 751, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	O'Bannon	
Albea	Giles	Lindsey	Pierce	
Bailes	Gilmore	Lolley	Radney	
Childs	Givhan	McDermott	Skidmore	
Clark	Goodwyn	Morrow	Stone	
Dominick	Harris	Nabors	Vacca	
Engel	Jackson			—25
Nays:				—0

The Bill:

H. 400. To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary; so as to provide further for his appointment, compensation, qualifications and duties.

Was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Folsom	Jackson	O'Bannon	
Albea	Giles	Leonard	Pierce	
Bailes	Gilmore	Lolley	Radney	
Branyon	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Turner	
Dominick	Harris	Nabors	Vacca	
Engel	Hawkins			—25
Nay:	Mr. Skidmore			—1

The Bill:

H. 513. Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 513, to-wit:

SUBSTITUTE TO H. B. 513

A BILL
TO BE ENTITLED
AN ACT

Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Constitutional Commission, hereinafter referred to as "Commission", consisting of twenty-one members appointed as hereinafter provided.

Section 2. The Commission shall consider and investigate the necessity for and the extent and nature of desirable amendments to or general revision of the Constitution of 1901 of Alabama, and the appropriate procedures for submission and adoption of such amendments or revisions.

Section 3. The Commission shall make specific recommendations for amendments or revisions of the Constitution in a report to the Legislature through the President of the Senate and Speaker of the House of Representatives, and to the Governor, on or before the commencement of the Regular Session of the Legislature in 1971.

Section 4. The Commission shall hold public hearings, which shall be attended by not less than five members of the Commission, with respect to all constitutional amendments or revisions proposed to be recommended in its report in each of the Cities of Decatur, Birmingham, Montgomery and Mobile at such times as it may determine, and it may hold such hearings at such other places and times as it may determine. The substance of all proposals to be discussed at such hearings shall be published at least two weeks in advance of the hearings in a daily newspaper or newspapers of general circulation in the area of the hearings as the Commission shall select.

Section 5. The Commission is authorized to employ professional and expert assistants and advisers and clerical and other personnel and to appoint such advisory committees, all as it deems necessary.

Section 6. All agencies of the State and its political subdivisions, including all colleges and universities supported in whole or in part by state funds, are directed to furnish such offices, facilities, advice, assistance and information as the Commission may request, to the extent reasonably within the ability of the agency, and the Commission is authorized to request and receive the benefits of same.

Section 7. The Commission shall cause its final report and such tentative and interim reports and recommendations as it may determine, to be printed for general circulation in such form and quantities, and on such terms as it shall prescribe. All of said reports and recommendations shall be of a public nature and shall be printed as Class 3 printing as provided in Code of Alabama, Title 55, Chapter 4, Article 4, Subdivision 2.

Section 8. The Commission shall consist of twenty-one members, of whom at least two shall reside in each Congressional District, selected as follows:

(a) Fourteen members shall be appointed by the Governor;

(b) The President of the Senate and the Speaker of the House shall be members of said Committee by reason of their office;

(c) Three members shall be appointed by the Speaker of the House from the membership of the House;

(d) Two members shall be appointed by the President of the Senate from the membership of the Senate.

Section 9. All appointments and acceptances shall be filed with the Clerk of the House, and published with the Acts of the Legislature. Members shall not be subject to removal. Vacancies resulting from death, incapacity as determined by the Commission, or resignation shall be filled by the officer making the appointment to the place in which the vacancy occurs. The Commission shall, by a majority vote of the whole Commission, designate one of its members as Chairman.

Section 10. The members of the Commission shall be entitled to receive thirty dollars ($30.00) per diem and mileage on actual meeting days.

Section 11. The Commission shall adopt such rules, regulations and procedures for the conduct of its hearings, its committee meetings and other business of the Commission, as the Commission shall best determine. In adopting reports, making recommendations, determining the holding of public hearings, authorizing the use or disbursement of funds, and in other matters requiring Commission approval, the Commission shall act by a majority of its members present at a meeting thereof at which a quorum is present or by the written consent of a majority of its members. For the purposes of this Section, a quorum shall consist of eleven members of the Commission.

Section 12. The Commission is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created and there shall be a fund which shall be known as the Constitutional Commission Fund. This fund shall consist of: (a) all moneys appropriated to the Commission by the State Legislature of Alabama; (b) all moneys received by the Commission by appropriation from county or municipal governments. The fund shall be used and expended as directed by the Commission, on checks or drafts signed by the Chairman or other persons designated by the Commission.

Section 13. There is hereby appropriated to the Commission the sum of $100,000.00, which appropriation shall be paid from funds in the State Treasury to the credit of the Constitutional Commission Fund.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Albea, said substitute was laid on the table.

Mr. Albea offered the following substitute for the Bill, H. B. 513, to-wit:

SUBSTITUTE FOR H. B. 513

A BILL
TO BE ENTITLED
AN ACT

Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Constitutional Commission, hereinafter referred to as "Commission", consisting of twenty-five members appointed as hereinafter provided.

Section 2. The Commission shall consider and investigate the necessity for and the extent and nature of desirable amendments to or general revision of the Constitution of 1901 of Alabama, and the appropriate procedures for submission and adoption of such amendments or revisions.

Section 3. The Commission shall make specific recommendations for amendments or revisions of the Constitution in a report to the Legislature through the President of the Senate and Speaker of the House of Representatives, and to the Governor, on or before the commencement of the Regular Session of the Legislature in 1971.

Section 4. The Commission shall hold public hearings, which shall be attended by not less than five members of the Commission, with respect to all constitutional amendments or revisions proposed to be recommended in its report in each of the Cities of Decatur, Birmingham, Montgomery and Mobile at such times as it may determine, and it may hold such hearings at such other places and times as it may determine. The substance of all proposals to be discussed at such hearings shall be published at least two weeks in advance of the hearings in a daily newspaper or newspapers of general circulation in the area of the hearings as the Commission shall select.

Section 5. The Commission is authorized to employ professional assistants and advisers and clerical and other personnel and to appoint such advisory committees, all as it deems necessary; provided, however, that all persons employed and appointed under this section shall be bona fide residents of Alabama.

Section 6. All agencies of the State and its political subdivisions, including all colleges and universities supported in whole or in part by state funds, are directed to furnish such offices, facilities, advice, assistance and information as the Commission may request, to the extent reasonably within the ability of the agency, and the Commission is authorized to request and receive the benefits of same.

Section 7. The Commission shall cause its final report and such tentative and interim reports and recommendations as it may determine, to be printed for general circulation in such form and quantities, and on such terms as it shall prescribe. All of said reports and recommendations shall be of a public nature and shall be printed as provided in Code of Alabama, Title 55, Chapter 4, Article 4, Subdivision 2.

Section 8. The Commission shall consist of twenty-five members, of whom at least two shall reside in each Congressional District, selected as follows:

(a) Fourteen members shall be appointed by the Governor;

(b) The President of the Senate and the Speaker of the House shall be members of said Committee by reason of their office;

(c) Three members shall be appointed by the Speaker of the House from the membership of the House;

(d) Two members shall be appointed by the President of the Senate from the membership of the Senate;

(e) The Chairman and Vice-Chairman of the Legislative Council shall be members by reason of their office;

(f) The Chairman and Vice-Chairman of the joint House-Senate Constitutional Revision Committee of 1967 shall be members by reason of their office.

Section 9. All appointments and acceptances shall be filed with the Clerk of the House, and published with the Acts of the Legislature. Members shall not be subject to removal. Vacancies resulting from death, incapacity as determined by the Commission, or resignation shall be filled by the officer making the appointment to the place in which the vacancy occurs. The Commission shall, by a majority vote of the whole Commission, designate one of its members as Chairman.

Section 10. The members of the Commission shall be entitled to receive thirty dollars ($30.00) per diem and mileage on actual meeting days.

Section 11. The Commission shall adopt such rules, regulations and procedures for the conduct of its hearings, its committee meetings and other business of the Commission, as the Commission shall best determine. In adopting reports, making recommendations, determining the holding of public hearings, authorizing the use or disbursement of funds, and in other matters requiring Commission approval, the Commission shall act by a majority of its members present at a meeting thereof at which a quorum is present or by the written consent of a majority of its members. For the purposes of this Section, a quorum shall consist of thirteen members of the Commission.

Section 12. The Commission is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created in the State Treasury a fund which shall be known as the Constitutional Commission Fund. This fund shall consist of: (a) all moneys appropriated to the Commission by the State Legislature of Alabama; (b) all moneys received by the Commission by appropriation from county or municipal governments. The fund shall be used and expended as directed by the Commission.

Section 13. There is hereby appropriated to the Commission from the State General Fund the sum of $100,000.00.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Hawkins	Nabors	Turner	
Clark	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nay: Mr. Branyon —1

And said Bill, H. B. 513, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Bailes	Goodwyn	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Hawkins	Nabors	Turner	
Clark	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nay: Mr. Branyon —1

The Bill:

S. 637. To limit the period in which an appeal may be taken to the Supreme Court from any action or proceeding to set aside, contest or question the validity of any bonds issued by the State of Alabama, or by any department, commission, board, public corporation, authority, or other agency or instrumentality thereof; to set the time for the filing of the transcript of such appeal in the Supreme Court and of appellant's and appellee's briefs therein, and to establish a procedure for the hearing of such appeals by the Supreme Court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 4.

Yeas:

Messrs.:	Gilmore	Lindsey	Pierce	
Albea	Givhan	Lolley	Skidmore	
Branyon	Goodwyn	McCarley	Torbert	
Carr	Hawkins	McDermott	Turner	
Engel	Jackson	Nabors	Vacca	
Giles	Leonard			—21

Nays:

Messrs.:				
Bailes	Dominick	Harris	Radney	
				—4

The Bill:

H. 776. To amend further Section 1 of Act No. 518, H. 283, approved September 16, 1963 (Acts of Alabama, p. 1106), to fix the compensation of court reporters, and provide for the payment thereof.

Was read a third time at length and passed.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Goodwyn	Lindsey	Pierce	
Childs	Harris	Lolley	Skidmore	
Engel	Hawkins	McCarley	Torbert	
Giles	Jackson	McDermott	Turner	
Givhan	Leonard	Nabors		—18

Nay: Mr. Bailes —1

The Bill:

S. 743. To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions thereform, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

was taken up.

Mr. McDermott offered the following substitute for the Bill, S B. 743, to-wit:

SUBSTITUTE FOR S. B. 743

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 1 and 5 of Act No. 21, H. 28 as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 1. Definitions. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations.

'Domestic water' shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

'Gross receipts' shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services origi-

nating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Person' shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

'Retail sale' shall mean all sales except those defined herein as wholesale sales.

'Taxpayer' shall mean any person liable for taxes under the provisions of this Act.

'Utility' shall mean every person regularly engaged in furnishing utility services to another person or other persons in the State of Alabama.

'Utility services' shall mean electricity; domestic water; natural gas, telegraph services; and telephone services to subscribers; provided that 'utility services' shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that 'utility services' shall not mean utility services stored, used or consumed by a utility.

'Wholesale sale' shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale."

Section 2. That Section 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 5. Exclusions. There are hereby specifically excluded from the gross receipts or gross sales of a utility, upon which the tax herein levied is calculated, all portions thereof derived from the following:

(a) the furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;

(b) the furnishing of utility services which are otherwise taxed under the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended;

(c) wholesale sales;

(d) the furnishing of electricity, natural gas, or domestic water for use or consumption by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, in or for the direct production, generation, processing, storage, delivery or trans-

mission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby;

(e) the furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

(f) the furnishing of natural gas to a manufactuer or compounder for consumption or use by such manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy; (g) the furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

(h) the use or consumption of electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic control systems, the use or consumption of telephone services by an incorporated municipality in providing fire alarm systems, and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions or conflagrations."

Section 3. Effective Date. This Act shall become effective on September 1, 1969, following its enactment and approval by the Governor or its otherwise becoming law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gilmore	Leonard	Nabors	
Bailes	Givhan	Lolley	Skidmore	
Branyon	Goodwyn	McCarley	Torbert	
Childs	Hawkins	McDermott	Turner	
Clark	Jackson	Morrow	Vacca	
Giles				—20

Nays: —0

And said Bill, S. B. 743, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 3.

Yeas:

Messrs.:	Gilmore	Lolley	Skidmore	
Bailes	Givhan	McCarley	Stone	
Childs	Goodwyn	McDermott	Torbert	
Clark	Harris	Morrow	Turner	
Engel	Jackson	Nabors	Vacca	
Giles	Leonard			—21

Nays:

Messrs.:	Branyon	Lindsey	Radney	
				—3

The Bill:

H. 45. To amend and re-enact Section 619(10) of Title 51 of the Code of Alabama dealing with recordation and taxation of deeds, mortgages, and instruments of like character.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Nabors	
Bailes	Givhan	Lolley	Skidmore	
Branyon	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Engel	Leonard			—21
Nays:				—0

The Bill:

S. 649. To further amend Section 1 of Act No. 87, S. 112, Regular Session of 1961, as amended by Act No. 244, S. 143, Special Session of 1966 (Acts of 1961, Vol. 2, p. 2004, and Acts of 1966, Special Sess. p. 366) "An Act to prescribe the salary or compensation of the Commissioner of Agriculture and Industries."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Childs	Givhan	McCarley	Skidmore	
Clark	Goodwyn	McDermott	Stone	
Engel	Hawkins	Morrow	Torbert	
Folsom	Leonard	O'Bannon		—22
Nays:				—0

The Bill:

H. 396. Relating to the compensation of the State Superintendent of Education.

Was read a third time at length and passed.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Giles	Hawkins	Nabors	
Albea	Gilmore	Leonard	Pelham	
Childs	Givhan	Lolley	Radney	
Clark	Goodwyn	McDermott	Skidmore	
Engel	Harris	Morrow	Torbert	
Folsom				—20
Nay:	Mr. Carr			—1

The Bill:

S. 117. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

As amended, on the Twentieth Legislative Day by Mr. Engel,

was taken up.

Mr. Engel offered the following substitute for the Bill, S. B. 117, as amended, to-wit:

SUBSTITUTE FOR S. B. 117

A BILL
TO BE ENTITLED
AN ACT

To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Clerk of the Circuit Court or Register of the Circuit Court in Equity in any county of the State of Alabama,

(a) Who has served for 14 years as such official in any of the counties of Alabama who has become permanently and totally disabled to serve as such official while in office, upon proof of such disability being made by certificates of three reputable physicians; or,

(b) Who has served for 17 years or more as such official for any county of Alabama and who is not less than 60 years of age, may elect to become a Supernumerary Clerk of the Circuit Court or Supernumerary Register of the Circuit Court in Equity, of the county in which he has served as such official by filing a written declaration to that effect with the judge, or other authority, responsible for appointing such Register in Equity or Clerk of the Circuit Court to office, at least 30 days prior to the time he desires to become a Supernumerary official. If such appointing authority shall find that such applicant is qualified either under subdivision (a) or (b) hereinabove set forth, a commission as Supernumerary Clerk of the Circuit Court or Register in Equity of such court for the county in which he has served, shall thereupon be issued to such applicant by such appointing authority. A clerk may count time served as deputy clerk, register or deputy register and a register may count the time served as deputy register, clerk or deputy clerk in determining the total time served, unless such official held the offices of clerk and register at the same time. The provisions of this act shall apply only to those persons who are in office at the time of the passage of this act or who may thereafter become eligible under its provisions.

Section 2. Such Supernumerary Clerk or Register of the Circuit Court in the various counties of the State of Alabama shall take the oath of office

prescribed for Clerks and Registers of the Circuit Courts in this State and if a vacancy shall occur in the office of Clerk or Register in the county in which a Supernumerary Clerk or Register holds his Commission, the appointing authority shall immediately appoint one such Supernumerary from the county in which such vacancy occurs, if the appointing authority determines that there is one or more such Supernumerary in such county suitably qualified, and such Supernumerary so appointed shall immediately assume and exercise all of the duties, powers and authority of such official in said county until a permanent successor is appointed or otherwise selected. All fees and commissions which may become due while such supernumerary is so acting shall be paid into the county general fund, and the salaries of the employees in such office shall be paid by the county governing body during such period.

Section 3. Every such Supernumerary official shall serve for life and receive in equal monthly installments on the first of each month an annual salary of 30 percent of the average yearly compensation he received from every source because of his official position for the past four years as such official, said supernumerary salary not to be less than Two Thousand Four Hundred Dollars ($2,400.00) nor more than Forty-five Hundred Dollars ($4,500.00) per annum and paid from the general fund of the county.

Section 4. The governing body of each county in which the Clerk of the Circuit Court or the Register of such court, in equity, is paid a salary, shall begin deducting upon the effective date of this act and each month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars ($15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars ($15,000.00) of all fees and commissions collected during the preceeding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided herein, an amount equal to one-half (½) of the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. No official shall be eligible to become supernumerary unless two years payments as provided by this section have been paid. However, any official who otherwise qualifies may become eligible upon the passage of this act, by paying in a lump sum an amount equal to 4 percent of his compensation up to Fifteen Thousand ($15,000.00) Dollars during the past two years of office.

Section 5. Every official covered by this act shall be subject to the terms thereof unless he notifies the county governing body of his county in writing to the contrary thirty days prior to the effective date of the act or within thirty days after assuming office if he is not in office on such date.

Section 6. That all laws, parts of laws in conflict herewith are expressly repealed.

Section 7. This Act shall take effect February 1, 1970.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pierce	
Albea	Folsom	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Givhan	Morrow	Torbert	
Carr	Hawkins	Nabors	Turner	
Childs	Leonard	Pelham	Vacca	
Clark	Lindsey			—25

Nays: —0

Mr. Morrow offered the following amendment to the Bill, S. B. 117, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 117, AS SUBSTITUTED

Amend the title of S. B. 117 by inserting after the words "State of Alabama" the following words and figures:

"having a population of less than 600,000 population according to the last federal census."

Also amend Section 1 of S. B. 117 by inserting after the words "State of Alabama" the following words and figures:

"having a population of less than 600,000 population according to the last federal census."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Nabors	
Albea	Engel	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Goodwyn	McDermott	Stone	
Childs	Harris	Morrow	Torbert	
Clark	Hawkins			—25

Nays: —0

Mr. Harris offered the following amendment to the Bill, S. B. 117, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 117

Amend Section 4 by deleting the words "two years" wherever the words appear in that order in the Section and substituting therefor the words "ten years" in each place where the words "two years" appeared.

On motion of Mr. Engel, said amendment was laid on the table.

Yeas 19; Nays 7.

Yeas:

Messrs.:	Givhan	McCarley	Radney	
Albea	Goodwyn	McDermott	Skidmore	
Clark	Leonard	Morrow	Stone	
Engel	Lindsey	Pelham	Torbert	
Giles	Lolley	Pierce	Vacca	
				—19

Nays:

Messrs.:	Branyon	Childs	Harris	
Bailes	Carr	Dominick	Nabors	
				—7

And said Bill, S. B. 117, as amended, was then read a third time at length and passed.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Clark	Lolley	Radney	
Albea	Engel	McCarley	Skidmore	
Bailes	Giles	Morrow	Stone	
Branyon	Givhan	Nabors	Torbert	
Carr	Goodwyn	Pelham	Turner	
Childs	Lindsey	Pierce	Vacca	
				—23

Nay: Mr. Harris —1

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. McDermott, further consideration of the Bill, S. B. 161, was postponed until the Thirty-Third Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 163. To amend Sections 169 and 171 of Title 7 of the Alabama Code (1940) which sections relate to the validation prior to their issuance of Bonds, Certificates of Indebtedness and Time Warrants which mature more than one year from their respective dates, issued by counties, cities, towns, villages, districts or other political subdivisions in the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Goodwyn	Morrow	Turner	
Childs	Harris	Nabors	Vacca	
Clark	Lindsey	Pelham		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cook (Coffee):

H. 1231. Relating to Coffee County: to provide further for the payment of expense allowances to members of the governing body of the county; to authorize such members to use county-owned motor vehicles when traveling on county business and to give this Act retroactive effect.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COFFEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coffee County: to provide further for the payment of expense allowances to members of the governing body of the county; to authorize such members to use county-owned motor vehicles when traveling on county business and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of Coffee County shall be entitled to be reimbursed for the actual amount of any reasonable expenses incurred when traveling in privately owned motor vehicles outside the county in furtherance of county business.

Section 2. Members of such governing body are hereby authorized to use county-owned vehicles when traveling within or outside the county in furtherance of county business. They shall be reimbursed for all reasonable and necessary expenses when using such vehicles.

Section 3. The expenses of travel provided for in this Act shall be in lieu of any other expense allowance heretofore authorized by law and shall be paid from any funds in the county treasury not otherwise appropriated, in such manner as the board may direct.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. This Act is retroactive to October 1, 1968.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF COFFEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ferrin Cox, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Managing Editor of The Elba Clipper, a newspaper of general circulation published in Coffee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-26-69, 7-3-69, 7-10-69, and 7-17-69, all in the year 1969.

FERRIN COX.

Sworn to and subscribed before me July 24th, 1969.

NADINE H. FULLER,
Notary Public.

Also:

By Mr. Dobbs:

H. 1232. Relating to counties having populations of not less than 51,000 nor more than 56,000; to provide clerk hire allowances for the judge of probate and for the sheriffs in such counties.

Also:

By Messrs. Meade and Beck:

H. 1240. Relating to counties having populations of not less than 16,150 nor more than 17,250, according to the most recent federal decennial census; to fix the compensation of the members of the county board of education in such counties; to repeal conflicting laws.

Also:

By Mr. Neville:

H. 1254. To regulate further the probate court and probate office of Barbour County; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of a probate office and probate records in each division and for the holding of probate court in each division; and to define the jurisdiction of each division of the court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To regulate further the probate court and probate office of Barbour County; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of a probate office and probate records in each division and for the holding of probate court in each division; and to define the jurisdiction of each division of the court.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the governing body of Barbour County to provide at the expense of said county an office at Eufaula, Alabama, for the probate judge of said county, and to provide therefor the necessary stationery, record books, dockets and other equipment for such office similar to those now kept in the office of the said probate judge at Clayton in said county.

Section 2. Said office at Eufaula shall be kept open by the probate judge, and the books, dockets, records and papers pertaining thereto shall be kept in said office. The judge of probate shall keep a clerk, in his absence, in charge of said office and the books, records, and papers therein. The clerk shall have power and authority, for and in the name of such judge of probate, to perform all ministerial acts in connection with the office and business thereof and the said judge of probate shall be liable on his official bond for the acts of the clerk. The judge of probate may require such clerk to execute a bond, with surety or sureties, in the same sum and payable and conditioned as required by law for the official bonds of judges of probate in this state, which bond shall be kept in the office of the county treasurer for Barbour County. Any person injured by any wrongful act of ommission of such clerk may in his own name, sue on said bond, or on the judge of probate's bond; and if such suit should be brought on the bond of the judge of probate, the bond of such clerk shall be deemed and held as bond of indemnity for the judge of probate so proceeded against.

Section 3. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South Boundary of said county at a point three miles West of the range line between Range 27 and Range 28, from thence running North in a straight line three miles West of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12, thence West along said township line to the intersection of said township line with the range line between Range 26 and Range 27, thence North along said range line three miles to the corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along the Section lines three miles to the Southeast corner of Bullock County. The portion of said county lying North and East of said lines shall be known as the Eufaula Division, and the portion of said county lying South and West of said line shall be known as the Clayton Division.

Section 4. The judge of probate shall hold probate court at Eufaula for the Eufaula Division and at Clayton for the Clayton Division. All jurisdiction and powers of said probate court, and the judge of probate, shall be exercised in each division, and in each division shall be exclusive of their jurisdiction and powers exercised in the other division.

Section 5. The jurisdiction, powers and duties of the probate court, and the judge of probate, shall be in all respect the same in both divisions of the court. All powers and duties imposed by law upon the governing body of Barbour County and upon sheriffs and other officers of Barbour County in respect of the probate courts and probate offices in this state, shall apply to the governing body, sheriff and other offices of Barbour County in respect to each division of the probate court and probate office. Mileage allowed to the sheriff shall be computed from the Courthouse from which process is issued.

Section 6. In all cases and proceedings affecting lands in Barbour County lying partly within the Eufaula Division and partly within the Clay-

ton Division, the proceedings may be had in said court in either division; and by written consent of the parties filed in said court, causes or proceedings may be transferred from one division of the court to the other; and juries shall be chosen from the division in which the court is held.

Section 7. In all respects in which the commencement or adjournment of the probate courts of this state affect the time prescribed by law for the issue or return of process, signing of bills of exceptions, the running of any statute of limitations, or where a time has by law any relation to such courts, or the commencement or the adjournment of their terms, such law shall apply separately to each division of the probate court; and whenever the law requires a sale to be made or any other act to be done at the courthouse, such sale or act shall be had or done at the courthouse within the respective division.

Section 8. The judge of probate shall record all orders, instruments, claims, and other proceedings pertaining to the probate court in one general series of books in the Eufaula Division and one general series of books in the Clayton Division, called "Probate Court Record." The series shall be numbered consecutively beginning with number 1, except that the number of the books in the Clayton Division shall be preceeded by the letter "C" and the number on the books in the Eufaula Division shall be preceeded by the letter "E."

Section 9. The judge of probate shall keep a direct index to the probate court records, which must contain the names of all persons named in the papers recorded in said records, with a reference to the reason each person was named. The direct index shall embrace, at least the following features, and should be so ruled: Name of Person; Status of Person; Name of Estate, Proceeding or Case; Probate Court Record Number; Page Number; Steel File Number.

Section 10. For the additinal duties required of the probate judge in indexing, he shall be entitled to an additional fee of $.25 for each name indexed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective January 1, 1970.

STATE OF ALABAMA
BARBOUR COUNTY

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper four times, the same appearing in the issues dated 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 22nd day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

Also:

By Mr. Neville:

H. 1255. To amend Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106), entitled, "An Act to regulate the holding of the circuit courts of Barbour County," so as to redefine the line dividing the county for the purpose of prescribing the jurisdiction of the court held at Clayton and the court held at Eufaula; and to prescribe the method of computing Sheriff's mileage.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106), entitled, "An Act to regulate the holding of the circuit courts of Barbour County," so as to redefine the line dividing the county for the purpose of prescribing the jurisdiction of the court held at Clayton and the court held at Eufaula, and to prescribe the method of computing Sheriff's mileage.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6, 7, 8, 10 and 11 of Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106) entitled, "An Act to Regulate the holding of the circuit courts of Barbour County," are hereby amended to read as follows:

"Section 6. BE IT FURTHER ENACTED, That whenever, from any cause, a civil or criminal cause pending in said court at Clayton shall not be tried at Clayton during the first week of any term, the presiding judge may, at his discretion, set over said cause to be tried at Eufaula during the remainder of said term, whereupon the same shall be tried on the original papers, dockets and records, the same as if tried where the process was returnable, except that in no criminal case where the defendant, and in no civil case where the plaintiff or defendant shall reside in said county west of a line hereinafter described, the trial shall be held in Eufaula, without the consent of such defendants in criminal case, and such plaintiff and defendant in civil case, or their attorneys of record, made in writing or announced in open court. The line hereinabove referred to is described as follows: beignning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with the range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26, and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to southeast corner Bullock County.

"Section 7. BE IT FURTHER ENACTED, That whenever a criminal or civil case shall be pending in the court to be held at Eufaula, if the defend-

ant shall reside west of said line described in Section 6, hereof, it shall be the duty of the said judge of the said court, on the application of such defendant or his attorney, in writing, or in open court, to transfer said cause to the court held in Clayton, to be there tried on the original papers the same as if the process had been originally returnable to Clayton.

"Section 8. BE IT FURTHER ENACTED, That whenever a civil or criminal cause shall be pending in the circuit court to be held at Clayton, if the defendant shall reside east of said line described in Section 6, hereof, it shall be the duty of the judge of said court, on the application of such defendant or his attorney, in writing, or in open court, to transfer said cause to the court held in Eufaula, to be there tried on the original papers the same as if the process had been originally returnable to Eufaula.

"Section 10. BE IT FURTHER ENACTED, That in all cases of appeal, where the defendant resides west of said line described in Section 6, hereof, the appeal shall be taken to be heard at Clayton, and in all cases where such defendant resides east of said line, the appeal shall be taken to be heard at Eufaula. And in all preliminary examinations before committing magistrate, defendants may be required to give bond, to appear and answer any criminal charge in said court, either at Eufaula or at Clayton, according to the discretion of such magistrate.

"Section 11. BE IT FURTHER ENACTED, That any person indicted or bound over to answer any criminal offence in said county, if unable to give bond for his appearance at court shall be confined in the jail at Clayton, if he be a resident of said county living west of said line described in Section 6 hereof, and if such person reside east of said line he shall be confined in the jail at Eufaula, except that such persons may be confined in the jail at either place, when in the opinion of the judge of said court the jail in the other place is not secure.

"Section 14. BE IT FURTHER ENACTED, That mileage allowed to the sheriff shall be computed from the Courthouse at Eufaula or the Courthouse at Clayton, whichever is nearer.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
BARBOUR COUNTY

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper four times, the same appearing in the issues dated 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 22nd day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

Also:

By Mr. Neville:

H. 1256. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the eastern division of Barbour County to be known as the Eastern District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court; to authorize the transfer of any cases pending in the Court of Commons Pleas of Barbour County to the court hereby established.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To establish a court of limited jurisdiction in criminal cases and civil actions at law in the eastern division of Barbour County to be known as the Eastern District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; to provide for its officers, their election or appointment, terms of office, powers, dutie and compensation, and for costs and fees in such court; to authorize the transfer of any cases pending in the Court of Common Pleas of Barbour County to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. A court of limited jurisdiction in criminal cases and civil actions at law, which shall be known as the Eastern District Court of Barbour County, is hereby created and established for the eastern division of Barbour County, which said eastern division is that portion of Barbour County situated north and east of a line beginning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26, and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to southeast corner of Bullock County.

Section 2. The territorial jurisdiction of the court shall not extend over that portion of Barbour County known and designated as the western division of said county except in criminal cases the boundary between the eastern division and the western division shall be construed as a county line.

Section 3. Cases and actions pending in the Court of Common Pleas of Barbour County on the effective date of this act, together with all docu-

ments, papers, judgments, and orders of said court may be transferred to the court hereby created and shall proceed as though begun therein. All judgments rendered by the Court of Common Pleas of Barbour County may be enforceable by this court the same as if they had been rendered by this court and this court may have full power and control over the same and may issue executions and other process thereon the same as if the judgments and orders had been originally rendered in this court.

Section 4. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases and actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the state, and law made rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of civil actions of ejectment or actions in the nature of ejectment or any civil actions when the matter or sum in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity. The court shall not have jurisdiction of workmen's compensation cases, libel, slander, or juvenile or domestic relations cases. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, the amount in controversy shall, for the purpose of determining jurisdiction, be the balance of the mortgage debt or purchase price, as the case may be, or the value of the property in suit whichever may be less; and where the action is for forcible entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgments debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in circuit courts. The court shall also have such other powers and authority that are, or may hereafter be, conferred upon the circuit courts, except as otherwise provided in this act.

Section 5. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury. In the trial of cases before this court, the accused shall have no right to demand a trial by jury, but the judge shall have termine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgments in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

Section 6. (a) A judge of the court herein established shall be elected by the qualified electors of the eastern division of Barbour County at the general election of 1974, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) Immediately after the effective date of this act, the Governor shall commission Hon. M. D. L. Calton as judge of the Eastern District Court of

Barbour County and the said M. D. L. Calton shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the constitution. He may be removed from office for any cause enumerated in Section 173 of the constitution and in the manner provided by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Barbour County residing within the territorial jurisdiction of the court. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary in the amount of $4,800 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have the authority to: (1) administer oaths and take acknowledgements; (2) issue search warrants; (3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of county courts, and justices of the peace, including that of magistrates on preliminary examinations. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(f) Upon the conviction of any defendant in misdemeanor cases in said court, the court shall have the right to suspend the sentence and remit fines and/or costs whenever in the discretion of said court the same may be advisable.

(g) In the absence of the regular judge, the clerk of the court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilty and assess against such defendant such fines and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court.

(h) The judge shall keep an office in the county courthouse in Clayton or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such telephones, office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

Section 7. In the absence of, disqualification or inability of the judge of said court to act, he shall appoint in writing a special judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said court. In case the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, and shall not have appointed a special judge to act, it shall be the duty of the judge of the Third Judicial Circuit upon the request of the clerk of said court to appoint a special judge, and in either event, said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, illness, disqualification or inability to serve by the regular judge shall exceed thirty days in each calendar year, the compensation of the special judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular judge of said court. If during the tenure of a

judge of said court he does not use thirty days during a calendar year, the balance of the thirty days may accumulate to a total of ninety days.

Section 8. (a) The Eastern District Court of Barbour County shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse in Eufaula. Regular sessions for the trial of criminal cases and civil cases shall be held on the first and third Mondays of each month. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 9. (a) The circuit clerk of Barbour County shall be the ex-officio clerk of this district court. In addition to his regular fees, commissions or compensation, he shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter, be allowed to circuit clerks in the State of Alabama, subject to the limitations of Section 16(b) hereof. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Before entering upon the performance of his duties as clerk of this court, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority to: (1) administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including affidavits summonses, subpoenas, writs, executions, commitments and releases making same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of courts.

Section 10. (a) Except as other wise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgement by default may be rendered against such defendant.

(c) When venue is improper, cases may be transferred between the Eastern District Court of Barbour County and the Western District Court of Barbour County on proper motion of any party, made any time before trial has commenced.

(d) Interrogatories to advise parties, as provided for by Article 8, chapter 10, title 7, Code of Alabama 1940 may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause until full answers are made, or direct a non-suit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(e) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his answer within fifteen days after the service on him of process of garnishment and the process shall so recite.

(f) The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama 1940 may be had in this court as in circuit courts.

Section 11. Execution may be issued on the judgment of this court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the circuit court, provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further than an execution from said court need not have theron an itemized statement of the bill of costs. The judment of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the circuit court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to circuit court judgments.

Section 12. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge, the ex-officio judge, or the clerk of the court, or the deputy clerk of the court, or the district attorney or the county solicitor who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty or upon sworn complaint made as prescribed by Code of Alabama 1940, Title 13, Section 327. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) In case of emergency the judge of said court may appoint suitable persons to act as constabel without bond, except as hereinafter provided; and the persons so appointed must perform the same duties and are liable to the same pains and penalities, and are entitled to the same fee and compensation

as regular constables; but such special constables are not authorized to levy or collect executions, attachements or writs of detinue, unless prior to the levying or collection of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constables.

(c) The judge shall appoint a bailiff when he deems one necessary and the bailiff shall be compensated at the same rate as a circuit court bailiff.

(d) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 13. The constables of the territorial jurisdiction of said court and the sheriff of Barbour County shall be the officers of said court and shall execute the processes from said court anywhere within Barbour County and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the courts of justices of the peace and inferior courts created in lieu of justices of the peace in said county. All writs of restitution or eviction shall be served by the sheriff.

Section 14. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 15. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this state may punish for contempt, by fine not exceeding fifty dollars ($50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 16. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed collected, and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) In addition to the fees for witnesses the court shall have authority to tax costs and commissions for the use of the officers of the court as follows: (1) in each civil action at law the same as the circuit court; (2) in each criminal case the same as in the county courts, including fees as provided by Section 89, paragraph 2, Title 11 of the Code of Alabama 1940.

(c) A trial tax of one dollar ($1.00) shall be collected in each civil action at law, if the sum in controversy does not exceed one hundred dollars ($100.00): in every other civil action at law, and in every criminal case, a trial tax of two dollars ($2.00) shall be collected. These trial taxes shall be paid into the county treasury to the credit of the Judiciary Fund.

(d) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Barbour County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Barbour County, Alabama.

Section 17. The judge of this court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court

and generally with respect to the duties of the various officers of the court in their relation to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the court.

Section 18. The said court shall have the power to set aside, vacte or modify its jugments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined.

Section 19. Any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the circuit court. If the judgment appealed from is for the payment of money or for recovering of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the circuit court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 20. Appeals from judgments of said court to the circuit court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justice of the peace courts.

Section 21. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided: (1) If the case is a civil case, the appeal or certiorari lies to the circuit court of Barbour County and shall be governed by Article 6 of Chapter 8, Title 13, of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code of Alabama 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars ($100.00) the issues shall be made up as provided by Code, 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court. (2) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the Code of Alabama 1940, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code of Alabama 1940, Title 13, Section 326.

Section 22. It shall be the duty of the clerk to issue an execution in all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to fine property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

Section 23. If it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable

as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

Section 24. When in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

Section 25. The judge of said court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as a part of the prerequisites of his office the fees which are now or may be allowed by law.

Section 26. In addition to the power and jurisdiction herein conferred upon said court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Barbour for the payment of fine and costs in the same manner and to the same extent as the circuit courts of this state have authority and jurisdiction to do.

Section 27. The judge of this court may designate in writing by general order, which shall continue until revoked by a general order of said judge, the clerk, deputy clerks or bailiff as ex-officio judge of said court, and the said ex-officio judge so designated shall have the power and authority to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to said court or any other court having jurisdiction of the offense in said county, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant issued by him and to keep a record of all processes, warrants and other matters handled by him as ex-officio judge. The said ex-officio judge shall have the power and authority to issue commitments toreleases from jail, and to take and approve appearance bonds in all cases triable by said court. The said ex-officio judge shall not have the right or authority to try cases.

Section 28. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, and said court shall have the authority to issue and shall cause to issue scire facias to the bondsmen which shall be returnable in not less than twenty days from the issuance date and upon final hearing said court shall have the authority to pass upon the forfeiture and to make same final, or to take such other action as the circuit court of said county may be authorized to take in case of appearance bonds in said circuit court. Said judge shall issue an alias warrant for the arrest of the defendant.

Section 29. The judge of said court has the power and authority to require the sheriff of this county, or one of his deputies to attend upon the sessions of said court; and shall have all the power and authority inherent in the judge of a court of law and conferred by general statutes of the state in reference to bonds, committments and recognizances.

Section 30. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of circuit court of this state.

Section 31. If it appears to the court that any prosecution in said court is frivolous or malicious the court shall after hearing the facts render sum-

mary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs. When the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so or presently to pay the same, such person must be imprisoned in the county jail or sentenced to hard labor for Barbour County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

Section 32. The mileage allowable to the sheriff or constable for process issued from this court shall be calculated from the courthouse at Eufaula.

Section 33. Wherever the territorial jurisdiction of this court covers part but not all of a precinct, the board of registrars and probate judge of Barbour County shall maintain and keep their records in such manner as accurately to reflect the electors residing within the territorial jurisdiction of the court.

Section 34. All books, papers, and records of this court shall be kept in the county courthouse at Eufaula, Alabama, and the governing body of Barbour County shall provide suitable storage space for the same.

Section 35. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 36. All laws or parts of laws which conflict with this act are repealed.

Section 37. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
BARBOUR COUNTY

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing the issues dated 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 22nd day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

Also:

By Mr. Neville:

H. 1257. To abolish the Court of Common Pleas of Barbour County; to provide for the transfer of cases and causes therein pending; and to repeal Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738).

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To abolish the Court of Common Pleas of Barbour County; to provide for the transfer of cases and causes therein pending; and to repeal Act. No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738).

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of Common Pleas of Barbour County, created by Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738) is abolished.

Section 2. Every case and every cause pending in the Court of Common Pleas of Barbour County, together with the records, documents, and papers pertaining thereto, shall be transferred to the courts which have jurisdiction under the general laws of Alabama or under local laws applicable to Barbour County of the subject matter involved in the case or cause. The circuit clerk of Barbour County, in his capacity as clerk of the Court of Common Pleas of Barbour County, immediately after this act takes effect, shall certify each case or cause, together with the records, documents, and papers pertaining thereto, to the proper court. It shall not be necessary, however, for the clerk to certify cases or causes transferred to the circuit court or any other court of which he is ex officio clerk.

Section 3. Each such case or cause shall be docketed and proceed in the court to which it is transferred; and all costs accrued in the Court of Common Pleas shall be charged and collected in the court to which the case or cause is transferred.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
BARBOUR COUNTY

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of The Eufaula Tribune, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper four times, the same appearing in the issues dated 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 24th day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

Also:

By Mr. Neville:

H. 1258. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the western division of Barbour County to be known as the Western District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; and to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To establish a court of limited jurisdiction in criminal cases and civil actions at law in the western division of Barbour County to be known as the Western District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; and to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court.

Be It Enacted by the Legislature of Alabama:

Section 1. A court of limited jurisdiction in criminal cases and civil actions at law, which shall be known as the Western District Court of Barbour County, is hereby created and established for the Western division of Barbour County, which said Western division is that portion of Barbour County situated south and west of a line beginning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26, and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to southeast corner of Bullock County.

Section 2. The territorial jurisdiction of the court shall not extend over that portion of Barbour County known and designated as the eastern division of said county except in criminal cases the boundary between the eastern division and the western division shall be construed as a county line.

Section 3. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases and actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and enforce rules and regulations relative to pleading procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the state, and lawmade rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of civil actions of ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the state, and lawmade rules and regulations are not contrary to the constitution and statutes of the state; and lawmade rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies, it shall not have jurisdiction of civil actions of ejectment or actions in the nature of ejectment or any civil actions when the matter or sum in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity. The court shall not have jurisdiction of workmen's compensation cases, libel, slander, or juvenile or domestic relations cases. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, the amount in controversy shall for the purpose of determining jurisdiction, be the balance of the mortgage debt or purchase price, as the case may be, or the value of the property in suit whichever may be less; and where the action is for forcible entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in circuit courts. The court shall also have such other powers and authority that are, or may hereafter be, conferred upon the circuit courts, except as otherwise provided in this act.

Section 4. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury. In the trial of cases before this court, the accused shall have no right to demand a trial by jury, but the judge shall have termine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgments in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

Section 5. (a) A judge of the court herein established shall be elected by the qualified electors of the western division of Barbour County at the general election of 1974, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) The Governor shall appoint a judge of the Western District Court of Barbour County who shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the constitution. He may be removed from office for any cause enumerated in Section 173 of the constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of the western division of Barbour County. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary in the amount of $4,800 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have the authority to: (1) administer oaths and take acknowledgements; (2) issue search warrants; (3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of county courts, and justices of the peace, including that of magistrates on preliminary examinations. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(f) Upon the conviction of any defendant in misdemeanor cases in said court, the court shall have the right to suspend the sentence and remit fines and/or costs whenever in the discretion of said court the same may be advisable.

(g) In the absence of the regular judge, the clerk of the court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilty and assess against such defendant such fines and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court.

(h) The judge shall keep an office in the county courthouse in Clayton or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such telephones, office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

Section 6. In the absence of, disqualification or inability of the judge of said court to act, he shall appoint in writing a special judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said court. In case the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, and shall not have appointed a special judge to act, it shall be the duty of the judge of the Third Judicial Circuit upon the request of the clerk of said court to appoint a special judge, and in either event, said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, illness, disqualification or inability to serve by the regular judge shall exceed thirty days in each calendar year, the compensation of the special judge for all time served by him in excess of thirty days shall be deducted from the salary or

compensation of the regular judge of said court. If during the tenure of a judge of said court he does not use thirty days during a calendar year, the balance of the thirty days may accumulate to a total of ninety days.

Section 7. (a) The Western District Court of Barbour County shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse in Clayton. Regular sessions for the trial of criminal cases and civil cases shall be held on the first and third Wednesdays each month. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 8. (a) The circuit clerk of Barbour County shall be the ex-officio clerk of this district court. In addition to his regular fees, commissions or compensation, he shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter, be allowed to circuit clerks in the State of Alabama, subject to the limitations of Section 15(b) hereof. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Before entering upon the performance of his duties as clerk of this court, he must give bond as required by law for clerks of county courts.

He shall have the authority to maintain offices and appoint deputies for Clayton, Louisville, and Clio.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority to: (1) administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including affidavits summonses, subpoenas, writs, executions, commitments and releases making same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of courts.

Section 9. (a) Except as otherwise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite. If a defendant fails to plead, answer or demur within the prescribed time after

service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

(c) When venue is improper, cases may be transferred between the Eastern District Court of Barbour County and the Western District Court of Barbour County on proper motion of any party, made any time before trial has commenced.

(d) Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama 1940, may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause until full answers are made, or direct a non-suit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(e) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his answer within fifteen days after the service on him of process of garnishment and the process shall so recite.

(f) The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama 1940 may be had in this court as in circuit courts.

Section 10. Execution may be issued on the judgment of this court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the circuit court, provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said court need not have thereon an itemized statement of the bill of costs. The judgment of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the circuit court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to circuit court judgments.

Section 11. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge, the exofficio judge or the clerk of the court, or the deputy clerk of the court, or the district attorney of the county solicitor who shall issue a warrant of arrest if he is reasonable satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty or upon sworn complaint made by Code of Alabama 1940 Title 13, Section 327. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(0) In case of emergency the judge of said court may appoint suitable persons to act as constable without bond, except as hereinafter provided; and

the persons so appointed must perform the same duties and are liable to the same pains and penalties, and are entitled to the same fee and compensation as regular constables; but such special constables are not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collection of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constables.

(c) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 12. The constables of the territorial jurisdiction of said court and the sheriff of Barbour County shall be the officers of said court and shall execute the processes from said court anywhere within Barbour County and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the courts of justices of the peace and inferior courts created in lieu of justices of the peace in said county. All writs of restitution or eviction shall be served by the sheriff.

Section 13.1. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 14. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this state may punish for contempt, by fine not exceeding fifty dollars ($50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 15. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed collected, and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) In addition to the fees for witnesses the court shall have authority to tax costs and commissions for the use of the officers of the court as follows: (1) in each civil action at law the same as the circuit court; (2) in each criminal case the same as in the county courts, including fees as provided by Section 89, paragraph 2, Title 11 of the Code of Alabama 1940.

(c) A trial tax of one dollar ($1.00) shall be collected in each civil action at law, if the sum in controversy does not exceed one hundred dollars ($100.00): in every other civil action at law, and in every criminal case, a trial tax of two dollars ($2.00) shall be collected. These taxes shall be paid into the county treasury to the credit of the Judiciary Fund.

(d) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Barbour County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Barbour County, Alabama.

Section 16. The judge of this court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court and generally with respect to the duties of the various officers of the court in

their relation to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the court.

Section 17. The said court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined.

Section 18. Any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the circuit court. If the judgment appealed from is for the payment of money or for recovering of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the circuit court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 19. Appeals from judgments of said court to the circuit court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justice of the peace courts.

Section 20. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided: (1) If the case is a civil case, the appeal or certiorari lies to the circuit court of Bargour County and shall be governed by Article 6 or Chapter 8, Title 13, of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code of Alabama 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars ($100.00) the issues shall be made up as provided by Code, 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court. (2) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the Code of Alabama 1940, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code of Alabama 1940, Title 13, Section 326.

Section 21. It shall be the duty of the clerk to issue an execution in all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to fine property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

Section 22. If it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable

as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

Section 23. When in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

Section 24. The judge of said court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as a part of the prerequisities of his office the fees which are now or may be allowed by law.

Section 25. In addition to the power and jurisdiction herein conferred upon said court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Barbour for the payment of fine and costs in the same nammer and to the same extent as the circuit courts of this state have authority and jurisdiction to do.

Section 26. The judge of this court may designate in writing by general order, which shall continue until revoked by a general order of said judge, the clerk, deputy clerks or bailiff as ex-officio judge of said court, and the said ex-officio judge so designated shall have the power and authority to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to said court or any other court having jurisdiction of the offense in said county, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant issued by him and to keep a record of all processes, warrants and other matters handled by him as ex-officio judge. The said ex-officio judge shall have the power and authority to issue commitments to releases from jail, and to take and approve appearance bonds in all cases triable by said court. The said ex-officio judge shall not have the right or authority to try cases.

Section 27. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, and said court shall have the authority to issue and shall cause to issue scire facias to the bondsmen which shall be returnable in not less than twenty days from the issuance date and upon final hearing said court shall have the authority to pass upon the forfeiture and to make same final, or to take such other action as the circuit court of said county may be authorized to take in case of appearance bonds in said circuit court. Said judge shall issue an alias warrant for the arrest of the defendant.

Section 28. The judge of said court has the power and authority to require the sheriff of this county, or one of his deputies to attend upon the sessions of said court; and shall have all the power and authority inherent in the judge of a court of law and conferred by general statutes of the state in reference to bonds, committments and recognizances.

Section 29. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of circuit court of this state.

Section 30. If it appears to the court that any prosecution in said court is frivolous or malicious the court shall after hearing the facts render summary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs. When the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so or presently to pay the same, such person must be imprisoned in the county jail or sentenced to hard labor for Barbour County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

Section 31. The mileage allowable to the sheriff or constable for process issued from this court shall be calculated from the courthouse at Eufaula.

Section 32. Wherever the territorial jurisdiction of this court covers part but not all of a precinct, the board of registrars and probate judge of Barbour County shall maintain and keep their records in such manner as accurately to reflect the electors residing within the territorial jurisdiction of the court.

Section 33. All books, papers, and records of this court shall be kept in the county courthouse at Clayton, Alabama, and the governing body of Barbour County shall provide suitable storage space for the same.

Section 34. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 35. All laws or parts of laws which conflict with this act are repealed.

Section 36. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law for the purpose of authorizing the appointment by the Governor of the election of judge for the court herein above provided for; but the act shall not become fully operative, nor shall the court be established until a judge therefor has been appointed or elected as hereinabove provided and has qualified. Upon the qualification of a duly appointed or elected judge the court shall thereupon be established and this act shall become fully operative.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 22 day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

Also:

By Mr. Neville:

H. 1259. To provide for offices and clerks of the tax collector and tax assessor of Barbour County at Eufaula; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of records of the tax assessor and tax collector in each division; and to provide for the exercise of the powers of the tax collector and tax assessor in the appropriate division.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To provide for offices and clerks of the tax collector and tax assessor of Barbour County at Eufaula; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of records of the tax assessor and tax collector in each division; and to provide for the exercise of the powers of the tax collector and tax assessor in the appropriate division.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the governing body of Barbour County to provide at the expense of said county offices at Eufaula, Alabama, for the tax collector and tax assessor of said county, and to provide therefor the necessary stationery, record books, telephones, office furniture, fixtures, and equipment similar to those now kept in the offices of the said tax collector and tax assessor at Clayton, in said county.

Section 2. Said offices at Eufaula shall be kept open by the tax collector and tax assessor, and the books, records, and papers pertaining thereto shall be kept in said office. The tax collector and tax assessor shall keep clerks, in their absence, in charge of said offices, and the books, records, and papers therein. The clerks shall have power and authority, for and in the name of such tax collector and tax assessor, to perform all ministerial acts in connection with the office and the business thereof and the said tax collector and tax assessor shall be liable on their official bonds for the acts of their respective clerks. The tax collector and tax assessor may each require their clerks to execute a bond, with surety or sureties, in the same sum and payable and conditioned as required by law for the official bonds of tax collectors and tax assessors in this state, which bond shall be kept in the office of the county treasurer for Barbour County. Any person injured by any wrongful act or omission of such clerks may in his name, sue on the appropriate bond, or on the bond of the tax assessor or tax collector, as the case may be; and if such suit should be brought on the bond of the tax collector or the tax assessor, the bond of the appropriate clerk shall be deemed and held as bond of indemnity for the tax collector or tax assessor so proceeded against.

Section 3. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South Boundary

of said county at a point three miles West of the range line between Range 27 and Range 28, from thence running North in a straight line three miles West of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12, thence West along said township line to the intersection of said township line with the range line between Range 26 and Range 27, thence North along said range line three miles to the corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along the Section lines three miles to the Southeast corner of Bullock County. The portion of said county lying North and East of said lines shall be known as the Eufaula Division, and the portion of said county lying South and West of said line shall be known as the Clayton Division.

Section 4. All books and papers pertaining to the Eufaula division shall be kept at the office in Eufaula, and all books and papers pertaining to the Clayton division shall be in the office at Clayton. Whenever a precinct lies partly within the Eufaula division and partly within the Clayton division, the record books, assessment sheets, plat books, and receipt books shall be divided accordingly and the proper books kept in the proper division. All powers of said tax collector and tax assessor shall be exercised in the appropriate division and all advertisements required by law to be made shall be made in each respective division.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective October 1, 1969.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 22nd day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
My Commission Expires Nov. 22, 1970. Barbour Co., Ala.

Also:

By Mr. Neville:

H. 1260. To abolish the jurisdiction of justices of the peace and notaries public ex officio justices of the peace elected or appointed for any precinct in Barbour County in criminal and quasi-criminal cases.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To abolish the jurisdiction of justices of the peace and notaries public ex officio justices of the peace elected or appointed for any precinct in Barbour County in criminal and quasi-criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Justices of the peace and notaries public ex officio justices of the peace elected or appointed for or in any precinct of Barbour County are hereby divested and deprived of jurisdiction in all criminal and quasi-criminal cases, and they shall have no power or authority hereafter to exercise any jurisdiction whatsoever in a criminal or quasi-criminal case, or to take complaints of public offenses committed within the county, or to issue warrants of arrests.

Section 2. This Act shall not apply to nor affect any case pending in any justice of the peace court on the effective date hereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective December 31, 1970.

STATE OF ALABAMA,
BARBOUR COUNTY.

Before me, Elizabeth M. Upshaw, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper 4 times, the same appearing in the issues dated: 7/3, 8, 15, 22.

JOEL P. SMITH.

Sworn to and subscribed before me this the 24th day of July, 1969.

ELIZABETH M. UPSHAW,
Notary Public,
Barbour Co., Ala.

My Commission Expires Nov. 22, 1970.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1231, 1232, 1240, 1254, 1255, 1256, 1257, 1258, 1259 and 1260. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill and Haygood:

H. 1140. To apply only in counties having populations of not less than 61,000 nor more than 65,000, reducing the additional compensation for official court reporters of the circuit court in such counties, which is payable from the county treasury, contingent upon the increase of the compensation payable to such court reporter from the State.

Also:

By Mr. Hill:

H. 1141. To amend Act No. 27, H. 102 of the 1964 Special Session (Acts 1964, Special Session, p. 47) which creates and establishes the Lauderdale County Court, in order to enlarge the civil jurisdiction of the court and to provide for increasing the compensation of the judge thereof.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 27, H. 102 of the 1964 Special Session (Acts 1964, Special Session, p. 47) which creates and establishes the Lauderdale County Court, in order to enlarge the civil jurisdiction of the court and to provide for increasing the compensation of the judge thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 8 of Act No. 27, H. 102 of the 1964 Special Session (Acts Special Session 1964, p. 47), which creates and establishes the Lauderdale County Court, are hereby amended to read as follows:

"Section 4. The court established by this Act shall have civil jurisdiction in cases at law in which the matter in controversy does not exceed one thousand dollars ($1,000), exclusive of interest, attorney's fees, and costs, said jurisdiction to be concurrent with the jurisdiction of any other court in the country having jurisdiction in such cases.

"Section 8. The judge of the Lauderdale County Court shall receive a salary which shall be fixed by the county governing body of Lauderdale County, but in no event shall such salary be more than $10,800 per annum nor less than $10,200 per annum, payable in equal monthly installments out of the general fund of Lauderdale County, Alabama, upon warrant of the Probate Judge of Lauderdale County. The Probate Judge is hereby authorized and directed to issue such warrants monthly."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personnally appeared Richard N. Hammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, July 8, and July 15, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 23, 1969.

WALLACE E. OWEN, JR.,
Notary public,
State at Large.

Also:

By Mr. Smith:

H. 1183. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As soon as publication hereof has been completed as required by the constitution and laws of the State of Alabama, the following local Act will be introduced for passage in the Legislature of Alabama:

AN ACT TO EXTEND, ALTER AND REARRANGE THE BOUNDARY LINES AND CORPORATE LIMITS OF THE TOWN OF LINCOLN, TALLADEGA COUNTY, ALABAMA:

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby, extended altered and rearranged so as to include within the corporate limits of said Town all of the following described territory:

All of the East Half (E½), the East Half of East Half of West Half (E½ of E½ of W½), the South Three-Fourths of the West Half of the Southeast Quarter of Southwest Quarter (S-¾ of W½ of SE¼ of SW¼), and the South Three-Fourths of the Southwest Quarter of Southwest Quarter (S-¾ of SW¼ of SW¼) of Section 21; the West Half (W½) of Section 22; the West Half (W½) of Section 27; all of Section 28; the West Half (W½) of Section 34; all of Section 33; and the portions of the Northeast Quarter of the Southeast Quarter (NE¼ of SE¼) and Fraction "A" of Section 32 that

are easterly of the westerly right-of-way line of the old Talladega-Lincoln Highway (1928-38) and northerly of U.S. Interstate 20 Highway right-of-way, all in Township 16 South, Range 5 East, Talladega County, Alabama; also the Northwest Quarter (NW¼) and the North Half of the Southwest Quarter (N½ of SW¼) of Section 3; the North Half (N½) and North Half of the South Half (N½ of S½) of Section 4; and the East Half of the East Half of the East Half of the Northeast Quarter (E½ of E½ of E½ of NE¼) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter (E½ of E½ of NE¼ of SE¼) of Section 5, all in Township 17 South, Range 5 East, Talladega County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be effective upon its publication and approval by the Legislature or upon its otherwise becoming a law.

STATE OF ALABAMA
TALLADEGA COUNTY

Personally appeared before me, a Notary Public in and for said County, Dorothy Bleick, who being duly sworn according to law, deposes and says that she is the Clerk of the Daily Home, a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: June 28, 1969, July 4, 1969, July 11, 1969, and July 18, 1969.

DOROTHY BLEICK.

Subscribed and sworn to before me on this 21st day of July, 1969.

FAYE F. BISHOP,
Notary Public.

Also:

By Messrs. McDonald and Drake:

H. 1189. To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation.

Also:

By Mr. Owens (W):

H. 1190. To provide for an advisory referendum relative to the election of the superintendent of education of Bibb County; and to provide for the appointment or election of the county superintendent of education of such county in the manner favored at such referendum.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for an advisory referendum relative to the election of the superintendent of education of Bibb County; and to provide for the appointment or election of the county superintendent of education of such county in the manner favored at such referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. At the first special constitutional amendment election held in Bibb County after the adjournment of this session of the legislature, there shall be submitted to the qualified voters of Bibb County, at a referendum election held for the purpose, the question of whether the county superintendent of education shall continue to be elected by vote of the people or shall be appointed by the county board of education as provided in the general law. The court of county commissioners, board of revenue, or other like county governing body shall call the election and provide for holding the same. The question to be submitted shall be stated on the ballots used at the election substantially as follows: "Do you favor continued election of the county superintendent of education by the voters of Bibb County?"

Section 2. The referendum election provided for in Section 1 shall be called, held and conducted as nearly as may be in the manner prescribed in Article 4 of Chapter 10, Title 52, Code 1940 providing for elections on levying county school taxes, but no petition of electors or request of the county board of education shall be required to initiate the proceedings. When the results of the election have been canvassed, the probate judge of the county shall certify the same to the secretary of state.

Section 3. If a majority of those voting at said referendum vote for the continued election of the county superintendent of education, then the remainder of this act shall have no force or effect. The office of county superintendent of education shall not be affected by this act; and the county superintendent of education shall continue to be elected in the manner prescribed by law and such office shall continue to be governed in all matters by the laws applicable thereto when this act becomes law.

Section 4. If a majority of those voting at said referendum vote against continued election of the county superintendent of education, then after the expiration of the term of office of the incumbent superintendent his successors shall be appointed by the county board of education as prescribed by Code of Alabama 1940, Title 32, Section 102, and thereafter the county superintendent of education of Bibb County appointed by the county board of education shall be the chief executive officer of the County school system and shall be charged with the same duties and shall exercise the same powers

and authority as are now or as may hereafter be prescribed by the general laws of this State for county superintendents of education. His compensation shall be fixed by the county board of education and he shall be paid at the time and in the manner prescribed by the general law for paying county superintendents of education. The county board of education shall determine the amount of office help necessary for the county superintendent of education, and the board shall fix the compensation and the time and manner of paying such office help. The county superintendent of education shall have authority to select such office help as may be provided by the county board of education. The expenses of the county superintendent of education shall be furnished by the county board of education as provided in the general law and allowances for his office may be made by the county board of education as provided in the general law.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. Act No. 99, H. 235 of the Extra Session of 1933 (local Acts 1933, Extra Session 1933, p. 31) and all acts amendatory thereof are hereby repealed. Any and all other laws or parts of laws in conflict herewith are also repealed.

Section 7. Sections 1 and 2 of this act shall become effective immediately upon the passage and approval of this act by the Governor, or its otherwise becoming law. If a majority of the qualified electors voting in such referendum vote "yes" in answer to the question submitted, then Section 3 of this act shall become effective on the date on which the result of such referendum is proclaimed; and the remainder of the act shall thereupon have no further force or effect. If a majority of the qualified electors voting in such referendum vote "no", then Section 3 of this act shall have no force or effect and the remainder of the act shall become effective on the date on which the result of the election is proclaimed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Owens (W):

H. 1191. To amend further Act No. 17, H. 21, Regular Session 1957, an act levying county sales and use taxes in Bibb County (Acts 1957, v. 1, p. 43), so as to make further provisions respecting the rates of such taxes.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

(NOTE—This bill is to correct typographical error made in the original bill that was passed in 1967. This is not a new tax.)

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 17, H. 21, Regular Session 1957, an act levying county sales and use taxes in Bibb County (Acts 1957, v. 1, p. 43), so as to make further provisions respecting the rates of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 17, H. 21, Regular Session 1957, an act levying sales and use taxes in Bibb County, Alabama (Acts 1957, v. 1, p. 43), as amended, are amended further so as to read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing, within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in the business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business:

"(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Bibb County, an amount equal to one per cent (1%) of the gross receipts of any such business;

"(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent (½ of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

"(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicles or truck trailer and semi-trailer, an amount equal to one-half of one per cent (½ of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

"Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise is hereby imposed on

"(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

"(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines

and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent (½ of 1%) of the sales price of such machine, parts, attachments, or replacements; and

"(c) The storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent (½ of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax such receipt may refer."

Section 2. This Act shall become effective the first day of the first month beginning after this Act becomes law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Owens (W):

H. 1192. To provide for reimbursing the chairman or other presiding officer and the members of the county governing bodies of all counties having populations of not less than 14,300 nor more than 14,800 according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

Also:

By Mr. Owens (W):

H. 1193. Proposing an amendment to the Constitution of Alabama relative to Bibb County, authorizing the legislature to fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County.

Also:

By Mr. Owens (W):

H. 1194. To change the method of compensating the sheriff of Bibb County, placing such officer on a salary basis; to provide that the fees, commissions, percentages and allowances provided the sheriff under the general law be paid into the county treasury; to provide for appointment and fix the compensation of a chief deputy, deputies, secretary and jailers, and to provide for the payment of expenses.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To change the method of compensating the sheriff of Bibb County, placing such officer on a salary basis; to provide that the fees, commissions, percentages and allowances provided the sheriff under the general law be paid into the county treasury; to provide for appointment and fix the compensation of a chief deputy, deputies, secretary and jailors, and to provide for the payment of expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Bibb County shall be compensated on a salary basis. His salary shall be fixed by the court of county commissioners, board of revenue or other like governing body at an amount not less than $8,000.00 nor more than $12,000.00 per annum to be paid in equal monthly installments from the general funds of the county.

Section 2. The fees, commissions, percentages and allowances provided sheriffs under the general law shall be collected by the sheriff of Bibb County and be by him paid into the general fund of Bibb County.

Section 3. The sheriff of Bibb County shall with the approval of the county governing body, appoint a chief deputy whose salary shall be fixed by the governing body at not less than $425.00 nor more than $600.00 per month.

Section 4. The sheriff shall, with the approval of the county governing body appoint two deputies whose salary shall be fixed by the governing body at not less than $350.00 nor more than $500.00 per month each.

Section 5. The sheriff shall, with the approval of the county governing body appoint a secretary whose salary shall be fixed by the governing body at not less than $150.00 nor more than $300.00 per month.

Section 6. The sheriff shall, with the approval of the county governing body, appoint two jailers, whose salary shall be fixed by the governing body at not less than $150.00 nor more than $400.00 each per month.

Section 7. The county governing body shall provide the sheriff with two automobiles of his choice for the official use of the sheriff and his deputies and shall pay the purchase price and cost of operation and maintenance of such automobiles out of the general funds of the county.

Section 8. The county governing body shall pay, from the general funds of the county, all costs necessary to the purchase and maintenance of all equipment required by the sheriff for law enforcement purposes, and shall pay all expenses incurred by the sheriff and his deputies in the performance of their duties.

Section 9. The county governing body shall maintain the county jail, under the supervision of the sheriff, and shall receive all fees, commissions, percentages and allowances payable for providing lock-up and detention facilities for municipalities or state or federal agencies.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. The operation of this Act is conditional upon the approval of a constitutional amendment authorizing the legislature to enact local laws regulating, fixing or altering the fees and compensation of the sheriff of Bibb County. If such constitutional amendment is approved by the qualified electors of the State of Alabama who vote thereon at the election when the proposed constitutional amendment is submitted, this Act shall take effect on the first of the month next following the date of the election.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published

in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Owens (W):

H. 1195. Regulating the compensation of registrars of Bibb County, and providing for payment of additional compensation by the county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Regulating the compensation of registrars of Bibb County, and providing for payment of additional compensation by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County, each member of the board of registrars shall receive $10 per day to be paid by the state, and $5 per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1140, 1141, 1183, 1189, 1190, 1191, 1192, 1193, 1194 and 1195. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 1193, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Meade and Beck:

H. 1203. To apply only in counties having populations of not less than 16,200 nor more than 17,200 inhabitants, authorizing the county board of education to fix expense allowances for members of the board.

Also:

By Messrs. Melton and Garrett:

H. 1207. Relating to Conecuh County; providing for the payment of a monthly expense allowance to the members of the county board of education.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Conecuh County; providing for the payment of a monthly expense allowance to the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Conecuh County shall receive an expense allowance of $75.00 per month, in lieu of all compensation heretofore paid to said members. Said expense allowance shall be the entire compensation received by any member of the board of education for his services, and shall be paid out of public education funds of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed. Act No. 379, S. 579, Regular Session 1949 (Acts 1949, p. 556) is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor-publisher of the Evergreen Courant, a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me July 24, 1969.

HAROLD ADAMS,
Notary Public.

My Commission Expires April 7, 1973.

Also:

By Mr. Drake:

H. 1208. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Hanceville, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Hanceville, Alabama, and in addition thereto the following described territory, to wit:

TRACT I

A parcel of land located in the East Half of Section 19, Township 11 South, Range 2 West described as follows: Beginning at the SE Corner of said Section 19, thence West along the section line for a distance of 1470 feet to a point; thence north and parallel with east section line for a distance of 3960 feet more or less to a point on the present corporate line and being the south forty line of the NW¼ of NE¼ of Section 19; thence easterly along present corporate line to the east section line; thence south along section line and present corporate line to the point of beginning, 120 acres more or less, and located in Cullman County, Alabama.

TRACT II

A parcel of land located in the North Half of Section 21, Township 11 South, Range 2 West, the South Half of Section 16, and the East Half of Section 20, described as follows: Beginning at a point where the Center Hill Road intersects the present Town Corporate limits and said point being 1929.2 feet south and west 680.9 feet of the NE Corner of said Section 21; thence northeasterly along center of Center Hill Road to a point on the East Section Line of said Section 16, and being North 653.3 feet of the SE Corner of said section 16; thence continuing north along section line for a distance of 766.7 feet to a point in the center of Alabama Highway No. 91; for a distance of 6905 feet to a point on the present Corporate Limits in the center of Moulton Road, said point being South 2596.3 feet and West 5620 feet West of the NE Corner of said Section 21; thence easterly along the present Corporate Limits to the point of beginning, the above described containing 203 acres, more or less, in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared ROBERT BRYAN, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, May 14, May 21, and May 28 all in the year 1969.

ROBERT BRYAN,
Publisher.

Sworn to and subscribed before me July 22, 1969.

SUE EVANS,
Notary Public.

My Commission Expires May 21, 1972.

Also:

By Mr. Collier:

H. 1212. To amend Section 2 of Act No. 47, H. 100 Special Session 1962 (Acts 1962, p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," so as to authorize an additional full time clerk for the circuit clerk.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 47 H. 100 Special Session 1962 (Acts 1962, p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," so as to authorize an additional full time clerk for the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962 p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," is amended to read as follows:

Section 2. The court of county commissioners, board of revenue, or other like governing body of Elmore County, shall provide compensation for clerks, assistants and secretaries for the offices enumerated in this Act in such number as may be necessary for the efficient conduct of their offices; provided, the judge of probate shall be allowed three full time clerks, the sheriff shall be allowed a jailer and the same number of deputies and other assistants as are now provided by law who shall receive the compensation and allowances as may be prescribed by law, the clerk of the circuit court shall not be allowed more than three full time clerks, the tax assessor shall be allowed two full time clerks, the tax collector shall not be allowed more than one full time clerk, and the register of the circuit court shall not be allowed any full time clerks. Each officer shall appoint his own deputies, clerks, secretaries and assistants, and shall fix their compensation subject to the ap-

proval of the board of revenue, county commissioners, or other like county governing body as to number and rate of pay except as herein otherwise provided. The sheriff shall also be allowed to appoint one full time clerk whose compensation shall be fixed by the county governing body."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19 and June 26 all in the year 1969.

JOHN P. HARRIS.

Sworn to and subscribed before me 8th day of July, 1969.

MRS. ELLEN T. HARRIS,
Notary Public.

Also:

By Mr. Mays:

H. 1213. To alter and rearrange the boundary lines of the City of Brewton, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a local bill reading substantially as follows will be introduced for passage by the Legislature of Alabama:

AN ACT

To alter and rearrange the boundary lines of the City of Brewton, Alabama so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama, be and the same are altered and rearranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

The North Half of the Northeast Quarter (N½ of NE¼), and the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼) of Section Sixteen (16), Township Two (2) North of Range Ten (10) East.

The Southeast Quarter (SE¼) of Section Nine (9), Township Two (2) North of Range Ten (10) East.

All of the North Half (N½) of Section Nine (9), Township Two (2) North of Range Ten (10) East that lies East and South of the Old Castleberry Road.

All of the South Half of the South Half (S½ of S½) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies South and East of the Old Castleberry Road.

All of the Southeast Quarter of Southwest Quarter (SE¼ of SW¼) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies North and East of the Old Castleberry Road.

Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section Fifteen (15) Township Two (2)Range Ten (10).

The North Half of Southwest Quarter (N½ of SW¼) of Section Four (4), Township Two (2) North of Range Ten (10) East.

The South Half of Northwest Quarter (S½ of NW¼) and the Southwest Quarter of Northeast Quarter (SW½ of NE¼); all in Section Four (4), Township Two (2) North of Range Ten (10) East.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Tom Gardner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Brewton Standard, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

TOM GARDNER.

Sworn to and subscribed before me July 28, 1969.

ALICE SUMMERVILLE,
Notary Public.

Also:

By Mr. Mays:

H. 1214. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Escambia County shall be authorized to employ not more than eight deputies, including jailers and clerks. The salaries of said deputies to be paid out of the general fund of the county and to be within the limits set out below.

Section 2. The chief deputy shall be entitled to a salary of not less than $550.00 per month and not more than $600.00 per month.

Section 3. The second deputy shall be entitled to a salary of not less than $525.00 per month and not more than $575.00 per month.

Section 4. The sheriff of said county shall be authorized to employ three deputies to be assigned to such municipalities outside of the corporate limits of the county seat as shall be designated by the sheriff. The deputies so employed by the sheriff pursuant to this section shall be entitled to a salary of not less than $460.00 per month and not more than $510 per month.

Section 5. The two deputies acting as jailers shall be entitled to a salary of not less than $400.00 per month and not more than $450.00 per month.

Section 6. The deputy acting as clerk shall be entitled to a salary of not less than $350.00 per month and not more than $400.00 per month.

Section 7. The salaries provided for in this act shall be in lieu of any and all compensation now provided by law for sheriff's deputies in Escambia County.

Section 8. The salary actually to be paid to each deputy, within the limits provided by this act, shall be determined by the Board of County Commissioners or other governing body of said County.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. The provision of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section II. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Tom Gardner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Brewton Standard, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

TOM GARDNER.

Sworn to and subscribed before me July 28, 1969.

ALICE SUMMERVILLE,
Notary Public.

Also:

By Mr. Mays:

H. 1215. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240 regular session 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 411, H. 742, Regular Session 1963 (Acts, 1963, p. 912) is amended to read as follows:

"Section 2. A chairman of the Board shall be elected by the qualified electors of the county at the general election of state and county officers in 1964, and every four years thereafter, and shall hold office for a term of four years from the first Monday after the second Tuesday in January next fol-

lowing his election, and until his successor is elected and qualified. The chairman must possess the same qualifications for office as the general law prescribes for probate judges. He shall be entitled to an annual salary of Six Thousand Six Hundred dollars ($6,600.00) payable from the county treasury in equal monthly installments, which shall be his entire compensation for performance of the duties of his office and all ex officio duties imposed by law. In addition, he shall be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of Two Thousand Four Hundred Dollars ($2,400.00) per annum, which shall be payable from the county treasury in equal monthly installments.

Section 2. Section 4 of said Act is amended to read as follows:

"Section 4. The associate members of the Board shall each receive an annual salary of Five Thousand Four Hundred ($5,400.00) Dollars. The salaries of the associate members of the Board shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, and shall be their entire compensation for the services required of them by this Act. In addition to his salary, each member of the Board shall also be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of One Thousand Eight Hundred Dollars ($1,800.00) per annum which shall be payable from the county treasury in equal monthly installments."

Section 3. The last sentence in Section 6 of said Act is amended to read as follows:

"Section 6 . . . . The Board may appoint one (1) Chief Clerk with a salary to be fixed by the Board, which salary shall be paid by the County, and may also appoint such clerical assistants as may be necessary."

Section 4. Act 724 H. 1240, Regular Session 1965 is repealed in its entirety.

Section 5. This Act shall become effective October 1, 1969.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Tom Gardner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Brewton Standard, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1969.

TOM GARDNER.

Sworn to and subscribed before me July 28, 1969.

ALICE SUMMERVILLE,
Notary Public.

Also:

By Mr. Mays:

H. 1216. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

Also:

By Mr. Mays:

H. 1217. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

Also:

By Mr. Owens (W):

H. 1221. Relating to all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1203, 1208, 1212, 1213, 1214, 1215, 1216, 1217 and 1221. To the Committee on Local Legislation No. 1.

H. B. 1207. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Laxson, Jones, McLain, Pennington and Grainger:

H. 1242. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Also:

By Messrs. Lybrand, Merrill and Burgess:

H. 1230. To amend Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts, 1939, p. 252), which creates and establishes the County Commission of Calhoun County, amending Section 3 of said Act in order to

redivide the county into districts for the purpose of electing the county governing body.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CALHOUN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts, 1939, p. 252), which creates and establishes the County Commission of Calhoun County, amending Section 3 of said Act in order to redivide the county into districts for the purpose of electing the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts 1939, p. 252), which creates and establishes the County Commission of Calhoun County, is hereby amended to read as follows:

"Section 3. For the purpose of this act said county of Calhoun is hereby divided into two districts, numbered one, to be known as the Northern District of Calhoun County, and numbered two, to be known as the Southern District of Calhoun County. District Number One shall embrace the following precincts of Calhoun County as now constituted viz: 1, 2, 6, 7, 8, 9, 10, 11, 14, 16, 18, 19, 22 and 24. District Number Two shall embrace the following precincts of said County as now constituted, viz: 3, 4, 5, 12, 13, 15, 17, 20, 21 and 23."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip A. Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of The Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1969.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me July 28, 1969.

LOLA J. BRIGHT,
Notary Public.

Also:

By Messrs. Springer, McElhaney, Cameron, Hobbie and Harris:

H. 1008. To amend Act No. 165, No. 215, 1965 Special Session, Vol. I, page 216, approved March 30, 1965, relating to counties having a population of not less than one hundred fifty thousand nor more than three hundred thousand, fixing the fee for the issuance of a pistol permit by the Sheriff, and providing for the disposition and use of such fee.

Also:

By Mr. Snell:

H. 1202. To propose an Amendment to the Constitution of Alabama relating to Chambers County, so as to provide further for the use of the proceeds of the special property tax authorized to be levied pursuant to Amendment No. 72 for hospital and public health purposes.

Also:

By Messrs. McElhaney, Springer, Hobbie, Cameron and Harris:

H. 1099. To amend Act No. 240, H. 627, approved July 29, 1947, (Local Acts of 1947, p. 165) entitled, "An Act to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said Act.

Also:

By Messrs. Grainger, Pennington, McLain, Jones and Laxson:

H. 1241. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1242, 1230, 1008, 1202, 1099 and 1241. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 1202, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dobbs and Shumate:

H. 351. To require a bill of sale in the transfer, sale or gift of a dog.

Also:

By Messrs. Ellis, Gloor, Lybrand, Bank, Robertson, Culver, Kilgore, Brown, Pennington, Jones, Grainger, Stubbs, Harris, Lemley, Fine, Young, Snell, Harper, Melton, Cameron, Hardin, Perloff, Downing, Burgess, Beck, Meade, McLain, Watkins, Holman, Weeks, Crane, Yeilding, Sessions, House, Drake and Smith.

H. 636. To amend Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), relating to the speed of motor vehicles on the state highways, so as to further regulate the speed of motor vehicles on highways included in the Interstate System.

Also:

By Messrs. McElhaney, Hobbie, Springer, Cameron and Harris:

H. 1100. To provide for the establishment and administration of a retirement system to provide retirement allowances and other benefits for certain employees of the County of Montgomery, Alabama, and ultimately to supersede the existing pension systems established by Act No. 240 of the Legislature of Alabama of 1947 and by Act No. 176 of the Legislature of Alabama of 1959.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application and its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 176 of the Legislature, approved September 28, 1959, (Local Acts of 1959, p. 702) and Act No. 240 of the Legislature approved, July 29, 1947, (Local Acts of 1947, p. 165) to authorize and require the Board of Revenue of Montgomery County, Alabama to provide a pension or retiring allowance plan for the employees of said County, but not for elected officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

1. "Pension System" shall mean the pension system for County employees established by Act No. 176, approved September 28, 1959, Acts of 1959, p. 702.

2. "Pension Plan" shall mean the pension plan for County employees established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts of 1947, p. 165 as amended) as said plan existed immediately prior to the operative date of Act No. 176, approved September 28, 1959, Acts of 1959, p. 702 and known as the Pension System, said Pension Plan and Pension System are not repealed by this Act, but will ultimately be superseded by this Act for the eligible employees of Montgomery County.

3. "Board" shall mean the Board of Revenue of Montgomery County, Alabama.

4. (a) "Group I Employees" shall mean any regular, full time employee of Montgomery County except those employees in the Sheriff's Department, and shall not include any employee whose compensation is paid on a per diem basis.

(b) "Group II Employees" shall mean any regular, full time, Chief, Deputy Sheriff; Deputy Sheriff, Captain; Deputy Sheriff, Lieutenant; Deputy Sheriff; Deputy Sheriff, Matron; or Deputy Sheriff of whatever rate or rank that may hereinafter be provided for, also any Jail Warden, Captain; Deputy Jail Warden; Identification Officer; Jailer; Jail Steward or any other jail personnel hereinafter provided for, but nothing within this Act shall be construed to include clerical employees, clerks or clerk typists, employed in the Sheriff's Department. Clerical employees, clerks or clerk typists shall be in Group I. Nothing within this Act shall be construed to include elected officials; in all cases of doubt, the Board of Revenue shall decide who is an employee within the meaning of this Act.

5. "Member" shall mean any person included in the membership of the Retirement System as provided in Section 3 of this Act.

6. "Service" shall mean service in the employment of and paid for by the County including service in the armed forces of the United States rendered between periods of County service; and service as a temporary acting official of the County rendered during the period the regular elected officials served in the armed forces of the United States.

7. "County" shall mean the County of Montgomery, Alabama.

8. "Membership Service" shall mean service as a member for which credit is allowable as provided in Section 4.

9. "Creditable Service" shall mean membership service plus prior service.

10. "Retirement Allowance" shall mean annual payments for life, all such retirement allowances shall be payable in monthly installments beginning with the first month after the expiration of all leave with pay to which the employee is entitled under the laws, rules and regulations governing County employees and continuing through the month preceding death.

11. "Beneficiary" shall mean any person in receipt of a retirement allowance under this Act.

12. "Accumulated Contributions" shall mean the sum of all the amounts deducted from the compensation of a member.

13. "Earnable Compensation" shall mean the full rate of his annual compensation that would be payable to a member if he worked the full normal working time.

14. "Operative Date" shall mean the date the Montgomery County Employees Retirement System begins operation as provided in Section 2 of this Act.

15. "Retirement Age" shall mean the minimum retirement age at which the member becomes eligible for pension under this Act and shall be entitled to retire; the minimum retirement age for Group I Employees shall be for males, age 62, for females, age 62. The minimum retirement age for Group II Employees shall be age 55 for males and females. Clerical employees within the Sheriff's Department shall be under Group I.

16. The masculine pronoun shall include the feminine pronoun.

17. "Retirement System" shall mean the "Montgomery County Employees Retirement System" as provided for by this Act.

18. "Medical Board" shall mean the board of physicians or surgeons as provided for in Section 7 of this Act.

19. "Highest Monthly Compensation" shall mean the highest base earnable compensation of a member during any month of his or her creditable service, exclusive of any overtime pay.

20. "Acturial Equivalent" shall mean a benefit of equal value when computed at regular interest on the basis of the tables last adopted by the board.

Section 2. Date Operative: (1) The Board of Revenue shall establish a retirement system for the purpose of providing retirement allowances under the provisions of this Act for the employees of Montgomery County. The "Montgomery County Employees Retirement System" shall begin operation as of the date set by the Board of Revenue by resolution or resolutions adopted by the Board, but in no event to be later than thirty days after the passage of this Act. It shall be known as "Montgomery County Employees Retirement System" and all of its funds invested and all its cash securities or other property held in trust for the purpose for which received.

Section 3. Membership: (1) Any Montgomery County Employee as defined in Section 1, Paragraph 4, of this Act, who becomes an employee of Montgomery County after the operative date of this Act, as defined in Section 2, shall as a condition of his employment become a member of the "Montgomery County Employees Retirement System" on the date of his employment and shall begin making contributions as of that date. (2) No person under this Act shall be under the "Pension Plan" as defined in Section 1, of this Act, or the "Pension System" as defined in Section 1. (3) All Montgomery County employees under the "Pension System" as defined in Section 1 of this Act shall become members of the "Montgomery County Employees Retirement System" as of the operative date of this Act, except those employees not eligible to come under this Act. (4) Any Montgomery County employee under the "Pension Plan" as defined in Section 1, of this Act may become a member of the "Montgomery County Employees Retirement System" as defined in Section 2 of this Act and be subject to the provisions thereof if be within thirty days after the operative date of this Act, file with the Board on a form prescribed by the Board a notice of his election to be included in the membership of the system provided for by this Act. (5) Any person in the armed forces on the operative date who becomes an employee prior thereto and who on the operative date is not immediately eligible for the "Pension Plan" or "Pension System" shall become a member of the "Mont-

gomery County Employees Retirement System" as of such date or as of the day of his return to the employment of Montgomery County.

Section 4. Service Creditable: (1) Each member of the "Montgomery County Employees Retirement System" shall receive membership service credit for all service to the County rendered under the "Pension Plan" and the "Pension System" if he elects to come under the provisions of this Act. He will receive membership service credit for service rendered under the "Retirement System" since he became a member, or since he last became a member in the event of a break in his membership. (2) The Board of Revenue shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the Board of Revenue allow credit as service for any period of more than one month's duration during which the employee was absent without pay. The Board of Revenue shall verify the service claimed and shall issue service certificates certifying to each member the number of years of service with which he is credited. As long as membership continues, a certificate shall be final and conclusive for retirement purposes as to such service credit; provided, however, that any member may within one year after the date of issuance or modification of such certificate, request the Board of Revenue to modify or correct his service certificate. (3) Creditable service at retirement on which the retirement allowance of a member shall be based, consists of his membership service credit. (4) Military Service: Anything in this Act to the contrary notwithstanding, if an employee is absent due to service in the armed forces and returns to County service within ninety days after becoming entitled to discharge or within ninety days after hospitalization continuing after discharge for a period of not more than two years, credit for such period of absence commencing prior to the operative date shall be allowed service credit as if such service had been service as an employee of the County with compensation at the employee's rate of compensation in effect immediately prior to such absence. The period of any such absence commencing on or after the operative date shall be allowed as membership service credit as if such service had been service as an employee of the County with compensation at the member's rate of compensation in effect immediately prior to such absence, provided contributions are made by the member on account of such period based upon the member's rate of compensation in effect immediately prior to such absence.

Section 5. Administration: (1) The general administration and responsibility for the proper operation of the "Montgomery County Employees Retirement System" and for making effective the provisions of this Act are hereby vested in the Board of Revenue of Montgomery County, Alabama. (2) The Board of Revenue shall have the power, right and authority from time to time to establish rules and regulations for the administration of the "Retirement System" and for the transaction of its business. (3) The Board shall keep in convenient form, such data as shall be necessary for actuarial valuation of the "Retirement System" and for checking the experience of the "Retirement System." (4) The Board shall keep a record of all its proceedings, which records shall be open to public inspection. Duties of Actuary: (5) The Board may designate an Actuary who shall be the technical advisor of the Board on matters regarding the operation of the "Retirement System" and who shall perform such other duties as one required in connection therewith. Such Actuary to serve at the pleasure of the Board, all contracts with such Actuary to be subject to this provision. (6) The Board may certify from time to time the rates of contributions payable under the provisions of this Act, as specified in Section 19 and may adopt for the "Retirement System"

from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables the Actuary may make annually or as otherwise directed an actuarial valuation of the assets and liabilities of the "Retirement System." The Board shall at times within its absolute discretion cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the "Retirement System."

Section 6. Benefits: Any employee of Montgomery County in Group I who is eligible under this Act who shall have been in continuous service of said County for as long as twenty consecutive years and shall have attained the age of 62 years, and has made the necessary contributions for not less than two years, except as hereinafter provided in this Act or any employee who shall have been in the service of said County for an aggregate number of twenty years, the last ten years of which have been continuous and attained the age of 62 years and has made the necessary contributions for not less than two years, except as hereinafter provided in this Act, or any employee of Montgomery County in Group II who is eligible under this Act and who shall have been in continuous service of said County for as long as twenty consecutive years and shall have attained the age of 55 years, and has made the necessary contributons for not less than two years, except as hereinafter provided in this Act, or any employee who shall have been in the service of said County for an aggregate number of twenty years, the last ten years of which have been continuous and attained the age of 55 years and has made the necessary contributions for not less than two years except as hereinafter provided in this Act, shall be retired upon his or her written application setting forth at which time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service. The Board of Revenue of said County shall order and direct the payment of such employee, monthly or otherwise as active employees are paid, during the remainder of his or her natural life, or unless otherwise directed by written request of the employee to be paid according to one of the options under this Act, a sum equal to one and one-half percent of the highest monthly compensation paid to such employee during any month of his or her employment multiplied times the number of years of completed service. Any employee of said Montgomery County who has been in continuous service as long as twenty consecutive years or who shall have been in the service of said County for as long as an aggregate of twenty years, the last ten of which were continuous, but who continues to work for the County an additional year and up to and including fifteen years befrore making written application for retirement or upon being retired by other means provided in this Act, shall be paid during the remainder of his or her natural life, a sum equal to his or her minimum retirement benefits as hereinbefore provided plus an additional one and one-half percent of his highest monthly compensation paid during any month of his or her employment, multiplied by the number of completed years of additional service, but in no event to exceed fifteen.

Any member in service who has attained age seventy and completed twenty years of continuous service, or any member who has attained age 70 and has an aggregate of twenty years, the last ten of which are continuous, shall be retired forthwith by the Board with benefits as provided for in this Section of this Act: provided, that upon the request of the Department Head, approved by the Board, a member who is a professional, technical, or administrative employee or who is in a supervisory capacity and who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More

than one such request may be made relative to a person. Notwithstanding an extension of a member's service after he has attained age seventy, such a member shall be retired by the Board with benefit provided in his Section upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

Any member in service who has attained age seventy and who is not otherwise eligible for benefits under this Act shall cease to be an employee of Montgomery County; provided, that upon the request of the Department Head, approved by the Board, a member who is a professional, technical, or administrative employee or who is in a supervisory capacity and who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person.

Optional Allowances (1) Any employee of Montgomery County who is an eligible member of the "Montgomery County Employees Retirement System" as provided for by this Act, that has attained the minimum retirement age and completed the minimum service requirement for his Group, as defined in this Section of this Act, and has made the necessary contributions as required in Section 18 of this Act, or who is otherwise eligible under other provisions of this Act to retire may upon retirement elect to receive benefits under Option I of this Section, or until the first payment on account of his retirement allowance becomes normally due, he may elect to convert the retirement allowance otherwise payable to him into a modified retirement allowance payable under Option III of this Section; provided, however, that no election of an optional benefit shall be effective until thirty days after the date of filing the election thereof with the Board, or until thirty days after retirement, whichever is the later, unless the member dies before the expiration of the said thirty days and if such member shall die during the thirty day period the Optional benefit elected shall become effective as of the date of death. (2) The benefits payable under Option II as defined in this Section of this Act shall not be payable upon retirement, but shall be payable after the member has fully complied with the requirements of Section 12, and who shall continue to be an employee, but dies prior to retirement.

Option I: Upon retirement under any of the provisions of this Act and after the selection of this Option an employee shall be entitled to receive his full benefits payable for the remainder of his natural life.

Option II: The benefits under this Option shall be paid to his designated beneficiary if a member has attained the minimum retirement age for his Group and has completed the minimum service requirement of twenty years and has fully complied with the requirements of Section 12, of this Act, and continues his employment, but subsequently dies. The benefits under this Option shall be seventy-five percent of the normal benefits a member would be entitled to receive should he have retired upon attaining the minimum retirement age and completing the minimum service requirement, said sum shall be paid to his surviving spouse for the remainder of her natural life or as long as she remains unmarried; in the event there is no surviving spouse, or on the death of the surviving spouse, or her remarriage, if there is a minor child or children surviving; then, seventy-five percent of the member's normal benefits shall be paid to any surviving minor child or jointly to any surviving minor children and shall continue until the youngest minor child reaches age eighteen.

Option III: Upon retirement under any of the provisions of this Act and after the selection of this Option a member shall be entitled to receive ninety percent of his normal benefits based on all creditable service and his highest monthly salary during any period of his employment, to be paid to the member for the remainder of his natural life. Upon the death of the member, seventy-five percent of the member's normal benefits shall continue to be paid to his surviving spouse for the remainder of her natural life, or as long as she remains unmarried; in the event there is no surviving spouse, or on the death of the surviving spouse, or her remarriage, if there is a minor child or children surviving; then seventy-five percent of the member's normal benefits shall be paid to any surviving minor child or jointly to any surviving minor children and shall continue until the youngest minor child reaches age eighteen.

Section 7. Medical Board: The Board "Retirement System" as its medical shall designate some physician or surgeon not eligible to participate in the advisor. If required, other physicians or surgeons may be employed to report on special cases coming under the disability provisions of this Act, but in no case shall more than a total of three be designated in any one case at one time. The physicians or surgeons for the Medical Board shall be selected in the following manner, one to be selected by the Board of Revenue, one to be selected by the Department Head and one to be selected by the employee. The compensation of the physicians or surgeons so selected for the Medical Board shall be paid as expenses from the retirement fund.

The Medical Board shall arrange for and pass upon all medical examinations required under the provisions of this Act, shall investigate all essential statements and certificates by or on behalf of a member in connection with application for disability retirements, and shall report in writing to the Board of Revenue its conclusions and recommendations upon all the matters referred to it.

Section 8. Non-Service Connected Disability Retirement Allowance: (1) Any employee of Montgomery County who shall have been in the service of said County for as long as ten years, the last two of which have been continuous unbroken service and has made the necessary contributions for not less than two years who shall become partially or totally and permanently disabled, physically or mentally or both and not as a result of the use of intoxicating liquor, or liquors, or narcotic drugs, or drug or willful misconduct of the disabled person or the use thereof substantially contributed to the disability or if the cause of disability not be voluntary and willfully brought about by the disabled person, may upon written request stating the facts and upon the recommendation of the Department Head and after being certified by the majority vote of the Medical Board that he is unable to perform his duties, be retired from County employment, not less than thirty nor more than ninety days next following the filing of his request. (2) Upon such retirement he shall be paid so long as his disability continues, a monthly sum from the retirement fund equal to one-twentieth of the normal benefit he would have been eligible to receive had he completed the minimum service requirement, multiplied by the number of completed years. Should a member die while receiving benefits or be entitled to receive benefits as a result of a disability, then seventy-five percent of the benefits ordinarily payable to him shall be paid to his surviving spouse for the remainder of her natural life, or as long as she remains unmarried; in the event there is no surviving spouse, or on the death of the surviving spouse, or her remarriage, if there is a minor child or children surviving; then seventy-five percent of the member's benefits as provided for by this Section shall be paid to any surviving minor child or jointly

to any surviving minor children and shall continue until the youngest minor child reaches age eighteen.

Section 9. Accidental Disability Retirement Allowance: (1) Upon the written request stating the facts and upon the recommendation of the Department Head, a member in service who becomes partially or totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, without willful negligence on his part or as the result of the use of intoxicating liquor or liquors or narcotic drugs or drug, shall be retired by the Board of Revenue on an accidental disability retirement allowance, not less than thirty nor more than ninety days next following the filing of his request provided that he is found to be mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent. The fact of such disability or incapacity shall be established by majority vote of the Medical Board and from time to time as may be required by the Board of Revenue by certificate of the Medical Board until the member has attained the minimum retirement age for his Group. (2) Upon accidental disability retirement the member shall receive each month during the time the total disability shall continue a monthly sum from the retirement fund equal to the amount of one-half of his base monthly compensation at the time of his injury or death. Provided that should the Personnel Board, if any, of such county so order, such employee may be paid his regular compensation for a period not exceeding six months, (3) If at any time the Board of Revenue finds that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his final monthly compensation at retirement, then his disability allowance shall be reduced to an amount which, together with his disability allowance and the amount earnable by him, does not exceed his final monthly compensation at retirement. If his earning capacity is later changed, his disability allowance may be further modified, but in no event shall a restriction be placed upon the earnings of a disability beneficiary after he has attained the minimum retirement age for his Group. (4) No employee of Montgomery County shall be retired under the provisions of this Section until he has been examined and certified by majority vote of the Medical Board to be disabled. The Medical Board shall be selected according to Section 7 of this Act. (5) No benefits under this section shall commence to accrue until the expiration of all leave with pay to which the disabled employee is entitled under the laws, rules, and regulations governing County employees. Should a member die while receiving benefits or be entitled to receive benefits as a result of a disability, then one-half of his normal base monthly compensation at the time of his injury or death shall be paid to his surviving spouse for the remainder of her natural life, or as long as she remains unmarried; in the event there is no surviving spouse, or on the death of the surviving spouse, or her remarriage, if there is a minor child or children surviving; then one-half of his normal base monthly compensation at the time of his injury or death shall be paid to any surviving minor child or jointly to any surviving minor children and shall continue until the youngest minor child reaches age eighteen.

Section 10. Re-examination of Disabled Members: The Board of Revenue may require any member retired for disability to submit to a medical examination by the Medical Board if he has not attained the minimum retirement age for his Group. Such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon. Should any such member refuse to undergo such medical examination, his allowance may be discontinued until he consents to the examination. If the Board of Revenue should in any case discontinue an allowance to any member by reason of

his failure to consent to and allow such examination, the said member although otherwise entitled thereto shall wholly lose such allowance (only the allowance between the date of his refusal or failure to allow the examination and the date of examination thereafter made) thus discontinued or his failure to consent to and allow said examination. Should the Medical Board conducting such examination report to the Board of Revenue that such disability beneficiary is able to resume his usual occupation such member shall be restored to his former position if then there be such position in the service of the County, otherwise, he shall be placed upon the appropriate roster list of the County, and the Board of Revenue shall make no additional payments for disability to said member on said claim on or after the date said member shall have been reemployed by the County or shall have failed or refused to accept such reemployment and upon being so reemployed he shall immediately resume payroll contributions. Provided, however, the Board of Revenue shall in no case make additional payments to said member on said claim beyond six months from the date the Medical Board reports to the Board of Revenue that such disability beneficiary is able to resume his usual occupation.

Section 11. Disability, Status of Employment: Should a member after ten years or more of County service, become partially or totally and permanently disabled and the fact is certified by the Medical Board and such disability was not a result of his willful misconduct, and he is unable to perform his regular duties, he shall not be reduced in classification, rank or pay or be required to accept a lessor classification or pay. The employee shall be allowed to retire under the disability provisions of this Act unless he consents to accept other classification, rank or pay. If the member has less than ten years of County service and his disability is not total and not permanent, he may be reclassified and reassigned to duty. If the member has less than ten years of service to the County and he becomes permanently and totally disabled, physically or mentally or both and is certified to the fact by the Medical Board and such disability was not a result of injury or accident sustained in line of duty he shall be retired from further service without compensation. The member's contributions shall be returned in accordance with Section 12.

Section 12. Return of Member's Contributions: (1) If a member ceases to be an employee for any reason before he becomes eligible to retire under any of the provisions of this Act, an amount equal to his accumulated contributions without interest shall be paid to him on demand within two months after his written request therefor and in addition to said amount there shall be paid an amount equal to one and one-half percent of his accumulated contributions provided he shall have made the necessary contributions for a period of not less than five years. (2) If a member dies before becoming eligible to retire under the provisions of this Act, an amount equal to his accumulated contributions without interest shall be paid to the persons, if any, nominated by him by written designation filed with the Board, if such persons survive him, otherwise to the member's estate, in addition to said amount there shall be paid an amount equal to one and one-half percent of his accumulated contributions provided he shall have made the necessary contributions for a period of not less than five years. (3) If a member ceases to be a member because of absence from service for more than five consecutive years after last becoming a member, for any reason except service in the armed forces of the United States, an amount equal to his accumulated contributions shall be paid to him within two months after the Board has been notified to that effect. (4) If a member has completed both, the minimum requirement of service and attained the minimum retirement age and continues his employment with Montgomery County, he may within thirty days after

completing both, whichever is the later, file with the Board of Revenue a written request on a form provided by the Board his selection of Option II as defined in Section 6 of this Act and designate the person or persons as beneficiaries to receive benefits in the event of death before the member officially retires. Should the member die before retiring the benefits to be paid to the person or persons so designated shall be based on the monthly salary of the member as of the first day of the month next following the date of the filing of the first request naming the beneficiaries and the amount to be paid shall be according to the provisions of the Option so selected. (5) The designation of the beneficiary under Option II shall remain in full force and effect so long as the member shall continue his employment and a member shall be allowed to modify his designation at any time upon the filing of subsequent requests. The last request so filed by the member shall be binding. (6) Upon the retirement of the member he shall be allowed to rescind any beneficiary designation heretofore made under Option II as defined in Section 6 of this Act and shall be allowed to select and receive benefits accordingly under one of the other options as provided in Section 6 of this Act. (7) If no option be selected and designation made by the member within the time allowed after he becomes eligible to retire and continues to work, no benefits shall be paid under Option II upon his death, the amount of his accumulated contributions without interest shall be returned according to provisions of this Section. (8) After three years from the date and time any return contribution is due an employee, no claim, suit or action may be filed or brought in any court of law or equity or otherwise for the return of such sum. (9) All sums remaining after being barred by Subsection 8 of this Section shall vest in the retirement fund.

Section 13. Reemployment after Refund: Any Montgomery County Employee as defined in Section 1, Paragraph 4, of this Act whose contributions have been refunded as provided in Section 12 and who is subsequently reemployed by Montgomery County shall be treated as those persons who enter employment of the County the first time as provided in Section 3.

Section 14. Reemployment after Retirement: (1) Any person who has accepted and is receiving retirement compensation under this Act shall have such compensation suspended during any period of re-employment in any capacity whatsoever by Montgomery County. Any person receiving retirement compensation under this Act who becomes reemployed by Montgomery County shall furnish timely notice in writing to the Board of Revenue of the fact that he is prohibited from receiving retirement compensation and salary at the same time and should he fail to do so, and should he receive and retain both salary and retirement compensation, he shall forfeit all the benefits of this Act forever. (2) The reemployment by Montgomery County of any person who has accepted and is receiving retirement compensation under this Act shall have no effect on the highest monthly compensation or the aggregate number of years of service of such person, nor shall any deduction for retirement contributions be made from the salary paid such person with respect to such reemployment. (3) Upon completion of the period or periods of reemployment after retirement, the person shall be returned to the retirement roll and again be eligible to receive retirement benefits. (4) The provision of this Section shall mean reemployment by Montgomery County within any department, but will have no effect upon a retireant being employed elsewhere except those restrictions on persons retired under the disability provision of this Act in Section 9.

Section 15. Retirement Funds, Audit: The Board of Revenue shall cause a copy of a certified audit to be furnished to each employee and or

pensioner by the end of each October of all funds paid into the retirement fund by each employee showing the amount that has been matched by the County, the interest thereon, all securities, bonds, obligations and or any other funds or money paid into the retirement fund and the interest received thereon and all expenditures from the retirement fund during the preceding fiscal year. The expense of this audit to be paid from the General Fund of said County.

Section 16. Retired Employees: Under the provisions of Act No. 240 of the Legislature of Alabama approved July 29, 1947 (Local Acts of 1947, page 165), certain employees of the County are now receiving retirement pay and other employees will be so entitled to receive retirement pay in the future. After this amendment is adopted by the Legislature and becomes law, such persons shall be entitled to a twenty percent (20 pct.) increase in such retirement pay.

Section 17. Social Security Benefits: All benefits paid to any person under the provision of this Act shall not be effected in any way whatsoever by any benefits paid to or received by such person at any time from Old Age and Survivors' Insurance as provided by the Federal Social Security Act.

Section 18. Method of Financing: All of the assets of the System shall be credited, according to the purpose for which they are held. (1) Retirement Fund. The Retirement Fund shall be the account in which shall be accumulated, the contributions deducted, from the compensation of members. The rate of contribution to the "Montgomery County Employees Retirement System" on the part of Group I Employees shall not, unless changed by the Legislature, exceed three and one-half per centum of each member's gross earnable annual compensation. The rate of contribution to the "Montgomery County Employees Retirement System" on the part of Group II Employees shall not, unless changed by the Legislature, exceed four and one-half percentum of each member's gross earnable annual compensation. (a) The Board of Revenue shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period, such proportion of the member's compensation. In determining the amount earnable by a member in a payroll period, the Board of Revenue may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the compensation upon the basis of which such deduction is made. (b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be deducted thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction and less other authorized deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment. (c) The Clerk of the Board of Revenue shall certify the amounts deducted on each and every payroll. (d) All interest and dividends earned on the funds of the "Montgomery County Employees Retirement System" shall be credited to the Retirement Fund (e). On account of each member, there shall be paid by the Board a maximum for each payment period into the Retirement Fund, 12.91 per centum of the compensa-

tion of each member of Group I, and on account of each member, there shall be paid by the Board a maximum for each payment period into the Retirement Fund, 14.29 per centum of the compensation of each member in Group II, to be known as the "County's normal and accrued liability contribution." (f) The County contributions to the Retirement Fund shall be paid from the County departmental fund from which such particular employee derives his payment of wages or salary. Employees who have thirty-five years service at the time the "Montgomery County Employees Retirement System" becomes operative shall be exempt from making contributions into the Retirement Fund Employees who complete thirty-five years of service subsequent to the time the "Montgomery County Employees Retirement System" becomes operative shall cease to make contributions into the Retirement Fund at that time. (g) All funds now on deposit under the "Pension System" as provided for in Act No. 176 of the 1959 Regular Session of the Legislature of Alabama and all funds now on deposit under the "Pension Plan" as provided for in Act. No. 177 of the 1959 Regular Session of the Legislature of Alabama to the credit of any employee of Montgomery County who shall come under the provisions of this act shall be transferred and credited to the employee in the Retirement Fund as created by this Section of this Act. (h) Such other funds as from time to time, may be designated by legislative act or transfer for use in the Retirement Fund.

Section 19. Expense Account: The Expense Account shall be the account to which shall be credited all money provided by the County to pay the administration expenses of the "Montgomery County Employees Retirement System," and from which shall be paid all the expenses necessary in connection with the administration and operation of the Montgomery County Employees Retirement System."

Section 20. Judicial Interpretation: Should there be any conflict between the "Pension System" and the "Pension Plan" and the "Montgomery County Employees Retirement System" caused by the provisions enumerated in this Act, the Board of Revenue may by proper resolution, reconcile such conflicts so that practicable justice can be had, as near as can be, and the Board of Revenue acting judicially, is hereby vested with full power, authority and right to make by its judicial determination, reconciliations and adjustments when caused by conflicts or inconsistencies in the herein "Montgomery County Employees Retirement System" with the provision of the "Pension Plan or "Pension System." The Board may act judicially in its capacity as a court adjudicate and determine all controversies and issues arising under this Act, and its findings of fact and determinations of issues shall be final and conclusive.

Section 21. Management of Funds: (1) The members of the Board of Revenue shall be the trustees of all of the assets of the "Montgomery County Employees Retirement System" and shall have full power to invest and reinvest such assets. (2) All such investments or reinvestments of such assets shall be in bonds or other securities issued as direct obligations of the Government of the United States or a direct obligation of the State of Alabama or the direct obligation of any municipality or county in Alabama. (3) Such funds may be deposited in any National Bank having its home office in Montgomery, Alabama, or any similar State Bank which deposits are guaranteed by the Federal Deposit Insurance Corporation deposit laws of the United States. (4) Not over $15,000.00 shall be placed in any one such depository unless the deposit is protected by United States Bonds twice the value of such deposit to secure such deposits as trust funds.

Section 22. Limitations on Other Legislation: This Act and the provisions of this "Montgomery County Employees Retirement System" shall ultimately supersede the "Pension System" and the "Pension Plan" except as otherwise provided in this Act as to any persons becoming employed by the County on and after the operative date of the "Montgomery County Employees Retirement System" and no person becoming an employee of Montgomery County after said date shall participate in any way in such "Pension Plan" or "Pension System."

Section 23. Assignments Prohibited: (1) The property and funds of the "Montgomery County Employees Retirement System," the contributions of members deducted from their compensation, the right of a person to a retirement allowance, and any other right accrued or accruing to any person under the provisions of this Act and the moneys in the various accounts created by this Act shall not be subject to taxation by the County nor by the State of Alabama, nor be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws or any other process of law whatsoever to satisfy any debt or liability of any member, and shall be unassignable except as in this Act specifically provided. (2) Nor shall any benefit or sum be mortgaged, pledged or alienated other than an employee entitled to any return of contributions or payments due him or her which has not been actually received may dispose of such sum or claim thereto by Last Will and Testament or the disposition of such sums shall be subject to the laws of Descent and Distribution of Alabama in existence at such time in the event of such employee leaving no valid Last Will.

Section 24. Protection Against Fraud: Whoever with intent to deceive shall make any claim, statements, representations or reports required under this Act which are untrue, or shall falsify or permit to be falsified any record or records of the "Montgomery County Employees Retirement System" shall be fined not to exceed one hundred dollars, or imprisoned in the Montgomery County Jail not to exceed six months, or both.

Section 25. Errors: Should any change or error in the records result in any member or beneficiary receiving from the "Montgomery County Employees Retirement System" more or less than he would have been entitled to receive had the records been correct, the Board shall have the power to correct such error, and as far as practicable, to adjust the payments.

Section 26. General Conditions: (1) The Board of Revenue shall have the continuing right and power to implement this Act at any time, by promulgating reasonable rules and regulations and making reasonable interpretations and orders; and the Legislature hereby expressly reserves to itself the right and power to amend, supplement, modify, or repeal this Act at any time. (2) All provisions of any Act inconsistent with the provisions of this Act are hereby expressly repealed to the extent of such inconsistency. (3) If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

Section 27. Date Act Effective: This Act shall take effect on and after its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Oswald, a Notary Public in and for the State and Couny aforesaid, personally appeared Betty Shine, who first being duly

sworn according to law, deposes and says that she is BOOKKEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Board of Revenue (A bill to be entitled an act) appeared in said publication April 29, May 6, 13, 20, 1969.

BETTY SHINE.

Sworn to and subscribed before me this 15th day of July, 1969.

KATHLEEN F. OSWALD,
Notary Public,
Montgomery County, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 351. To the Committee on Judiciary.

H. B. 636. To the Committee on Public Roads and Highways.

H. B. 1100. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 623. Relating to counties having a population of not less than 100,000, nor more than 115,000; fixing the compensation of certain officers in such counties.

Also:

S. 628. Relating to Tallapoosa County: To regulate further the compensation and expense allowances of members of the county governing body.

Also:

S. 629. Relating to the office of the sheriff in Tallapoosa County; further regulating the salaries of deputies of the sheriff.

Also:

S. 635. Providing for payment by housing authorities or redevelopment agencies, on appeal from condemnation proceedings instituted in counties with any urban renewal or other redevelopment plan or project of all reasonable costs of the proceedings in the appellate court, including a reasonable attorney's fee, except in certain instances, in all counties of this state with populations of not less than 49,500 nor more than 50,500.

Also:

S. 636. To apply only in counties of this state having populations of not less than 49,500 nor more than 50,500; providing that in any condemnation proceeding instituted in connection with an urban renewal or other development plan or project, the commissions appointed pursuant to Code of Alabama 1940, Title 19, Section 11, as amended, shall fix the value of any property sought to be acquired at no less than the value of such property as of the date of the announcement of the plan or project or slum, blight, or deterioration to be removed.

Also:

S. 618. To amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to regulate the Office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census; to authorize the Sheriff to appoint an attorney to advise or represent him; to fix the compensation of said attorney to be paid out of the general fund of the County by the Board of Revenue or like governing body; and providing when this Act shall become effective.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Shumate, Fine, Lemley, Brannan and Dobbs:

H. 948. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

Also:

By Messrs. McLain, Shumate, Brannan and Pennington:

H. 1145. To regulate extension of credit through open end credit plans, whether secured or unsecured; to provide the maximum rate of the finance charge in connection therewith; to regulate such transactions; to prescribe penalties for violation of this Act; to provide exemptions from the provisions of this Act; to provide that any sectional provision of this Act being held unconstitutional shall not affect the validity of any other section or provision; and to prescribe the effective date thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 948 and 1145. To the Committee on Banking.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 405. To amend Section 6, as amended, and Section 7 of Act No. 158, Acts of Alabama, First Special Session 1956, entitled An Act to provide for and fix the manner in which the Director of Conservation may execute oil, gas and mineral leases on all lands under the jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor's approval for all such agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act.

Also:

S. 337. To amend Act No. 669, Regular Session 1939, known as the Motor Carrier Act of 1939 (General Acts of Alabama, 1939, p. 1064) by imposing a fee for applications for certificates of public convenience and necessity and permits.

Also:

S. 340. To amend further Code of Alabama 1940, Title 24, Section 18, as amended, so as to increase the penalty for obtaining board by fraud or misrepresentation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 610. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

S. 611. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

S. 602. To permit the governing body of any county having a population of not less than 65,000 nor more than 95,000, or any municipality within such county to establish within the county, or within the municipality, ambulance service; to permit the county governing body to unite with any municipality within the county in the establishment of such service, making it common for the use of the county and of the municipality.

Also:

S. 485. To amend an Act of the General Assembly of Alabama approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 14, 1963, by amending Section 5 thereof by including, in the powers of the Board of School Commissioners of Mobile County, the power to employ and pay guards, watchmen, security personnel, or other functionaries, by whatever name called, to preserve the grounds, school buildings and other structures of any character; that belong to or are in the possession of and are under the control of the Board of School Commissioners of Mobile County; from trespass, vandalism, theft, fire or damage of any character; whether or not of like kind with those just stated; and to invest the said guards, watchmen, security personnel, or other functionaries with the right to use such force as may be necessary in the performance of their duties under and pursuant to their employment under the authority of this Act; and the power to let any property which it may own in fee simple; and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control; for any term or period that may seem to the Board, in the exercise of a sound discretion, proper, not to exceed 99 years, provided however, that the Barton Academy Buildings and property are excepted from the said power to let, and provided further that if the lease be for a term exceeding 50 years and the value of such property shall exceed $5,000 the lease, to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided further that the restriction touching the necessity for unanimous vote of the Board and approval by the Probate Judge shall not apply to leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County.

Also:

S. 259. Relating to law enforcement in Mobile County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund; repealing conflicting laws, and specifically repealing Act No. 413, H. 941, Regular Session 1965 (Acts 1965, p. 602) as to Mobile County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 109. To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Montgomery Institute of Neurological Development for the operation and maintenance of the school.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Edington, Lyons, Downing, Collins (C) and Grayson:

H. 1174. To amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, to provide funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

Also:

By Messrs. Perloff, Marr, Wood, Downing, Grayson and Collins (W):

H. 1173. Relating to counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; to regulate the payment of wages of all policemen and fire fighters employed by any city in such counties; to repeal conflicting laws.

Also:

By Messrs. Edington, Lyons, Downing, Collins (C) and Grayson:

H. 1175. To amend Act 751, S. 599, P. 1606, Acts of Alabama of 1967, as to provide funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

Also:

By Mr. Graham:

H. 1115. Relating to Colbert County board of revenue; abolishing the office of chairman of the board, providing that the probate judge shall be chairman of the board and transferring certain authority and duties of the incumbent chairman to said judge; further regulating the salaries of board members; and providing for a referendum.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County board of revenue; abolishing the office of chairman of the board, providing that the probate judge shall be chairman of the board and transferring certain authority and duties of the incumbent chairman to said judge; further regulating the salaries of board members; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. A successor to the office of chairman of the board of revenue of Colbert County shall not be elected in the general election to be held in November 1970 and upon the expiration of the term of the incumbent chairman on the first Monday after the second Tuesday in January 1971, the judge of probate of said county shall thereafter serve as ex-officio chairman of the board; and he shall be entitled to vote on any matter properly coming before the board only in case of a tie-vote.

Section 2. The judge of probate as chairman of the board of revenue shall have and exercise all powers and authority vested under the general law in the presiding officers of county governing bodies and in addition shall have and exercise all of the powers and authority conferred on the chairman of the board of revenue of Colbert County by Act No. 131, H. 333, Regular Session 1949 (Acts 1949, p. 157), subject to the limitations of Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which act transferred certain responsibilities for the Colbert County road and bridge system to the state highway department.

Section 3. The salary of each member of the board of revenue of Colbert County shall be decreased to an amount of two hundred dollars ($200) per month, upon the expiration of the term or terms of office of the member or members whose term or terms first expire.

Section 4. The substantive provisions of this act shall become operative and effective only as to those provisions which shall have been approved by a majority of the qualified electors of Colbert County who vote thereon at a referendum election called for such purpose and at which two propositions shall be submitted. The disapproval of either proposition shall render such proposition inoperative and of no effect but shall not affect the operation and effect of the proposition approved. If both propositions are approved the entire act shall become operative and effective. If both propositions are disapproved this act shall be inoperative and void. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the first election day in the county next following final passage and approval of this act. Notice of the election shall be given by the judge of probate of Colbert County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the propositions to be voted on shall be stated substantially as follows:

"Proposition No. 1. Do you favor the local law abolishing the office of the chairman of the board of revenue of Colbert County, transferring his authority and duties to the judge of probate of Colbert County? Yes or No ."

"Proposition No. 2. Do you favor the local law decreasing the salary of each member of the board of revenue of Colbert County to an amount of

$200 per month to become effective at the expiration of the term or terms of office of the member or members whose term or terms first expire? Yes or No ."

If a majority of the votes cast in the election are "Yes" as to either or both propositions this act shall become effective immediately as to the proposition or propositions approved. If a majority of the votes cast in the election are "No" as to either or both propositions, this act shall be inoperative and void as to the proposition or propositions not approved. The probate judge of Colbert County shall certify the result of the election to the Secretary of State within 30 days after the returns are canvassed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard S. McGrew, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Colbert County Reporter, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 15, May 22, May 29, and June 5, all in the year 1969.

RICHARD S. McGREW, SR..

Sworn to and subscribed before me July 3, 1969.

J. H. WALKER,
Notary Public.

Also:

By Messrs. McLain, Laxson, Pennington, Grainger and Jones:

H. 1088. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

Also:

By Messrs. McLain, Pennington, Laxson, Grainger and Jones:

H. 1157. Proposing an amendment to the Constitution relating to the levying of a special school tax in School District No. 1, Madison County, Alabama, which comprises all of Madison County, Alabama except for the City of Huntsville, Alabama.

Also:

By Mr. Brassell:

H. 1181. Relating to Russell County; providing for distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF RUSSELL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; providing for distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Russell County is hereby authorized and directed to appropriate and set aside ten per cent of the county's share of the state gasoline excise tax provided for by Act No. 224, H. 220, First Special Session 1967, to be distributed to the several incorporated municipalities in the county on the basis of the ratio of the population of each municipality to the total population of all municipalities in the county according to the most recent federal cecennial census.

Section 2. The funds required to be appropriated and set aside by the provisions of this act shall be appropriated for the fiscal year commencing October 1, 1969, and each fiscal year thereafter; and shall be paid to the respective municipalities monthly as soon as practicable after the county receives its portion of the state gasoline tax. All moneys received by municipalities under this act shall be used and expended exclusively for the construction, improvement and maintenance of highways and streets, for traffic control, and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may be pledged.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

NOTICE OF PUBLICATION

STATE OF ALABAMA
RUSSELL COUNTY

Before me, the undersigned authority, personally appeared Jane Gullatt, who after being duly sworn, deposes and says: That he is publisher of The Phenix Citizen-Herald, a newspaper published in Phenix City, Russell County, Alabama, in the English language, and said newspaper having been published consecutively for more than twelve months and mailed as second class mail

matter in the United States Post Office at Phenix City, Alabama, and that said newspaper has a general circulation in Phenix City, Russell County, Alabama, and that the attached notice of publication pertaining to A Bill, Gasoline Excise Tax, appeared in The Phenix Citizen on the following dates: June 12, June 19, June 26, July 3, 1969.

JANE GULLATT,
Publisher.

Sworn to and subscribed before me on this the 30th day of July, 1969.

DIXIE G. HOLT,
Notary Public.

Also:

By Messrs. Bank, Culver, Robertson and Brown:

H. 1186. To authorize the governing bodies of all counties having populations of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, and the governing bodies of the municipalities within such counties to create a county park and recreation authority, to appropriate funds to such authority, and to abolish any existing park and recreation boards upon the establishment of an authority pursuant to this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1174, 1173, 1175, 115, 1088, 1157, 1181 and 1186. To the Committee on Local Legislation No. 1.

(The above numbered Bills, H. B.'s 1088 and 1157, were read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley and Pruitt:

H. 1223. Proposing an amendment to the Constitution of Alabama relating to Marengo County, and ordering an election thereon.

Also:

By Mr. Fite:

H. 1224. To make an appropriation from the Marion County treasury for the relief of Ray Irvin.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Marion County treasury for the relief of Ray Irvin.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of $546.25 for the relief of Ray Irvin to compensate him for damages sustained by him in defending a suit against him as a result of a collision which occurred on or about May 17, 1965, while carrying out his duties as the driver of a gravel truck owned by Marion County Board of Revenue, which accident occurred on the Happy Hollow Church Road in Marion County, under such circumstances that said county is morally and justly obligated to pay damages, but the said Ray Irvin has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. D. Smith, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the Northwest Alabamian, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

W. D. SMITH, JR.

Sworn to and subscribed before me July 24, 1969.

MILDRED GREGG,
Notary Public,
State of Alabama at Large.

Also:

By Mr. Fite:

H. 1225. To make an appropriation from the Marion County treasury for the relief of B. N. Wade.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Marion County treasury for the relief of B. N. Wade.

Be It Enacted by the Legislature of Alabama.

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of $134.10 for the relief of B. N. Wade to compensate him for personal property damage sustained in an accident involving a truck owned by Marion County, which said accident occurred on or about October 23, 1968, in the Town of Hamilton, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said B. N. Wade has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. D. Smith, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the Northwest Alabamian, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

W. D. SMITH, JR.

Sworn to and subscribed before me July 24, 1969.

MILDRED GREGG,
Notary Public,
State of Alabama at Large.

Also:

By Mr. Fite:

H. 1226. To make an appropriation from the Marion County treasury for the relief of Theron Holliman.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the Marion County treasury for the relief of Theron Holliman.

Be It Enacted by the Legislature of Alabama.

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of $433.94 for the relief of Theron Holliman to compensate him for personal property damage sustained in an accident involving a street sweeper owned by Marion County, which said accident occurred on or about September 10, 1968, in the City of Winfield, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said Theron Holliman has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. D. SMITH, JR., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the Northwest Alabamian, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

W. D. SMITH, JR.

Sworn to and subscribed before me July 24, 1969.

MILDRED GREGG,
Notary Public,
State of Alabama at Large.

Also:

By Messrs. Holman, Jackson (T), Ellis, Sessions, Yeilding, Watkins, Gloor, Weeks, Cook (Jefferson), Dill, Crane, Bowers, Cherner, Adwell, Waggoner, Meeks and Gafford:

H. 1133. To provide for any counties having a population of 600,000 or more according to the 1940 federal census or any succeeding decennial federal census which have adopted or subsequently adopt Zoning Regulations, Land Subdivision Regulations and Building Codes to have exclusive jurisdic-

tion over matters relating to such Zoning, Land Subdivision, and Building Code in all areas of the County lying outside of the corporate limits of any municipality in such County, and to withdraw from such municipalities all right, power and authority relating to such land outside its corporate limits as to all matters relating to Zoning, Land Subdivision and Building Codes; to define Zoning Regulations, Land Subdivision Regulations and Building Codes.

Also:

By Messrs. Holman, Jackson (T), Ellis, Sessions, Yeilding, Watkins, Gloor, Weeks, Cook (Jefferson), Dill, Crane, Bowers, Cherner, Adwell, Waggoner, Meeks and Gafford:

H. 1134. To amend the title and to further amend Section 1 of Act No. 344, H. 775 of the Regular Session of 1947 (General Acts 1947, p. 217), which was an act to empower any counties having a population of 400,000 or more according to the 1940 or any succeeding federal census to provide for, regulate, and restrict in the unincorporated portions of the county outside of the police jurisdiction of incorporated municipalities, the use and construction of buildings, structures and land for trade, industry and residence, so as to authorize such counties to zone the unincorporated portions of the county lying within the police jurisdiction of the incorporated municipalities of the county and to take away from such incorporated municipalities zoning jurisdiction in that area outside of their corporate limits but within their police jurisdictions.

Also:

By Messrs. Ellis, Kilgore, Dill, Jackson (T), Weeks, Meeks, Watkins, Adwell, Crane, Holman, Yeilding, Cherner and Gafford:

H. 1136. To amend Section 22 of Act No. 248, General Laws of Alabama, approved July 6, 1945, entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.", as heretofore amended.

Also:

By Messrs. Holman, Jackson (T), Ellis, Sessions, Yeilding, Watkins, Gloor, Weeks, Cook (Jefferson), Dill, Crane, Bowers, Cherner, Adwell, Waggoner, Meeks and Gafford:

H. 1135. To amend subparagraph (b) of Section 4 of Act No. 672 H. 923 of the regular session of 1967 (General Acts 1967, Page 1496), which

was an Act to authorize any county having a population of 500,000 or more, according to the last or any subsequent federal census to adopt a building code or ordinance designed to prevent fire and to protect the people of the county from the loss of property and the loss of life consequent to fires, which building code or ordinances shall apply only in the unincorporated area of the county; so as to authorize the adoption of such code or ordinance without regard to whether a majority of the qualified electors residing in the area wherein the code shall apply are in favor of the adoption of the code and without regard as to whether the adoption of the proposed code would result in substantial savings in respect to fire insurance rates.

Also:

By Messrs. Sessions, Holman, Ellis, House, Cherner, Yeilding, Waggoner, Meeks, Gloor, Kilgore, Adwell and Cook (Jefferson):

H. 1137. To further amend Act No. 929 of the regular session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, page 1579, et seq.) Entitled: "An Act to create or provide in or for each and every city of the state of Alabama having a population of two houndred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

By Messrs. Adwell, Ellis, Dill, Weeks, Watkins, Meeks, Kilgore, Crane, Yeilding, Sessions, Cherner, Waggoner and Holman:

H. 1138. To authorize counties with a population of 400,000 or more according to the last or any succeeding Federal Census to levy the license taxes on the privilege of issuing or using trading stamps in such counties not in excess of those which Act No. 110 (H. 182), approved February 14, 1956 (Acts of Ala., 1956 Special Sessions, p. 166) levies for such counties on such privilege, to provide when such act shall become effective, to repeal said Act No. 110 (H. 182) and provide when such repeal shall become effective.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1223, 1224, 1225, 1226. To the Committee on Local Legislation No. 1.

H. B.'s 1133, 1134, 1136, 1135, 1137, 1138. To the Committee on Local Legislation No. 2.

(The above numbered Bill, H. B. 1223, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens(W):

H. 1196. To amend Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 258 H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County, is amended to read as follows:

"Section 1. Each member of the jury commission shall be paid the sum of fifteen dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. Such warrants shall be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but he compensation of no member of the commission shall exceed for any one year of his term three hundred dollars."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation pub-

lished in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Owens (W):

H. 1197. Relating to Bibb County; providing additional expense allowances for members of the board of education in such county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; providing additional expense allowances for members of the board of education in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of Bibb County shall each be entitled to expenses in the amount of $7.50 per month. Such allowance shall be in addition to all other allowances provided by law and shall be payable from the public school funds of the county at the end of each month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the

State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Owens (W):

H. 1198. Relating to Bibb County; authorizing the county board of education to fix expense allowance for the county superintendent of education.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bibb County; authorizing the county board of education to fix expense allowance for the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Bibb County shall receive an annual expense allowance to be fixed by the county board of education, which allowance shall not exceed $3,000 per annum. It shall be paid in equal monthly installments out of the public school funds of the county. Such expense allowance shall be in lieu of any other allowance heretofore provided the county superintendent of education for expenses. The county board of education shall fix the amount of the allowance authorized in this Act by resolution duly entered upon the minutes of the board.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was

Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

J. W. OAKLEY, SR.

Sworn to and subscribed before me July 24, 1969.

MARVIN HUETT,
Notary Public.

Also:

By Mr. Pearson:

H. 1200. Relating to law enforcement in Augauta County; To amend Act No. 61, H. 2, of the Special Session, 1967 (Acts, 1967, p. 96), an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees, so as to provide further for the disposition and use of such fees.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement in Autauga County; To amend Act No. 61, H. 2, of the Special Session, 1967 (Acts 1967, p. 96), an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees, so as to provide further for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section . Section 1 of Act No. 61, H. 2, of the Special Session 1967 (Acts 1967, p. 96) is hereby amended to read as follows:

"Section 1. In Autauga County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the sheriff and deposited in any bank located in Autauga County into a fund known and designated as the sheriff's fund. Such fund shall be drawn upon by the sheriff and used exclusively for purposes of law enforcement and in the discharge of the sheriff's office as he sees fit. The sheriff shall, however, report monthly to the county governing body on the state of such fund. Such report shall be filed on or before the tenth day of each month: and shall show the amount of money on deposit in such fund on the first day of the preceding month, the total collections from the issuance

of pistol permits during the preceding month and shall contain an itemized account of the expenditures made from such fund during such month, along with a notation of the purpose for which such expenditures were made. Any fees for pistol permits theretofore collected and deposited in the special fund in the county treasury designated sheriff's fund, shall immediately after this Act becomes law, be transferred to the sheriff's fund established in a bank in Autauga County as hereinabove provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman E. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and June 26, all in the year 1969.

NORMAN E. RIDENHOUR,
Publisher.

Sworn to and subscribed before me this 23rd day of July, 1969.

LINDA H. BREEDLOVE,
Notary Public.

My Commission Expires Dec.-9-70.

Also:

By Mr. Pearson:

H. 1201. Relating to Autauga County; regulating further the compensation of the jury commission and the clerk thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENACTED
AN ACT

Relating to Autauga County: regulating further the compensation of the jury commission and the clerk thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In Autauga County each member of the jury commission shall be paid a sum to be fixed by the county governing body at not more than twenty dollars per diem for the time actually engaged in the discharge of his duties as such member; but the combined compensation of all members shall not exceed $720 in any year, except as hereinafter provided. Whenever due to unusual circumstances the jury commission is required to perform some special service or their usual services require time in excess of the normal or usual time devoted to such duties, the county governing body may, in its discretion, authorize the payment of additional compensation or an expense allowance for such additional services; but the total amount so paid to all members combined shall not exceed $300.

Section 2. The jury commission of Autauga County may employ a clerk. The compensation of such clerk for the performance of his duties shall be a salary of fifty dollars per month. Such clerk's compensation shall be paid out of the county treasury upon the order of the president of the jury commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Norman E. Ridenhour, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

NORMAN F. RIDENHOUR,
Publisher.

Sworn to and subscribed before me this 23rd day of July, 1969.

LINDA H. BREEDLOVE,
Notary Public.

My Commission Expires Dec.-9-70.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1196, 1197, 1198, 1200 and 1201. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake:

H. 368. Relating to taxation, making further exemptions from State sales and use taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 368. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Springer:

H. 947. To limit the period in which an appeal may be taken to the Supreme Court from any action or proceeding to set aside, or to enjoin the issuance of, or to contest or question the validity of, any bonds or other securities issued or proposed to be issued by the State of Alabama, or by any department, commission, board, public corporation, authority, or other agency or instrumentality thereof; to set the time for the filing of the transcript of such appeal in the Supreme Court and of appellant's and appellee's briefs therein, and to establish a procedure for the hearing of such appeals by the Supreme Court.

Also:

By Mr. Hill:

H. 899. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

Also:

By Mr. Stubbs:

H. 320. Relating to the Eighteenth Judicial Circuit; providing for an additional Circuit Judge in such Circuit.

Also:

By Mr. Holladay:

H. 1031. To amend Code of Alabama 1940, Title 14, Section 399, which prescribes the penalty for having carnal knowledge of a girl over twelve and under sixteen years of age.

Also:

By Mr. McLain:

H. 1005. Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12(2); an act providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations, so as to exempt the North Alabama Tuberculosis Association from sales and use tax laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 947, 899, 320 and 1031. To the Committee on Judiciary.

H. B. 1005. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Perloff, Marr, Wood, Collins (W) and Melton:

H. 1244. To amend Code of Alabama 1940, Title 14, Section 389, which provides for the location of offices and laboratories of the state toxicologists, so as to require one of such offices and laboratories to be maintained in Mobile County.

Also:

By Messrs. McDonald, Edington and McLain:

H. 106. To permit persons, firms, corporations, partnerships and associations when borrowing money in amounts of not less than $100,000 to pay such rates of interest on the loan or forbearance of money as such borrower may agree to pay without regard to any provision of law limiting interest rates, and denying to such borrower and to other persons who may become liable thereon the right to claim or raise the defense of usury.

Also:

By Messrs. Pennington, McLain and Jones:

H. 796. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions and industry, and to au-

thorize counties and municipalities to provide for collection and disposal of solid wastes and charge a fee therefor, and to contract for such services to be performed by others, and to permit the formation of districts or areas beyond corporate limits, or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act or rules and regulations pursuant thereto, in the interest of the public health, comfort and safety.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1244. To the Committee on Judiciary.

H. B. 106. To the Committee on Banking.

H. B. 796. To the Committee on Public Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 266. To amend Section 16 of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Also:

S. 267. To amend Section 402 (65) of Title 37 of the Code of Alabama of 1940 to provide for the use of the public roads by gas districts in this state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 39. Commending and congratulating the Board of Trustees of Auburn University.

Also:

S. J. R. 42. Authorizing and directing the Secretary of the Senate and Clerk of the House to have installed in the Senate and House Chamber additional, different or improved lighting.

Also:

S. J. R. 52. Authorizing the Board of Trustees of the University of Alabama to designate the new administration building on the Tuscaloosa campus as "Frank Anthony Rose Hall".

Also:

S. J. R. 55. Naming certain parts of Highway 159 "The J. M. Moore Highway".

Also:

S. J. R. 56. Requesting the United States Post Office Department to issue a 10¢ airmail commemorative postage stamp.

Also:

S. J. R. 57. Authorizing The Board of Trustees of the University of Alabama to designate the new student center building as "Ferguson Student Center".

Also:

S. J. R. 58. Commending the Administrator, the officials, the staff, the employees and the private contractors of the National Aeronautics and Space Administration, also the Astronauts Armstrong, Aldrin and Collins.

Also:

S. J. R. 61. Relating to the death of Mrs. Anabel Rice Warren of Tuscaloosa, Alabama.

Also:

S. J. R. 67. Relating to the death of Mrs. Mildred T. McDow.

Also:

S. J. R. 68. Relating to the Little River Canyon.

Also:

S. J. R. 69. Naming the library at Patrick Henry State Junior College the John D. Forte Library.

Also:

S. J. R. 70. Naming the Science Building at Patrick Henry State Junior College the Ernest Stone Hall.

Also:

S. J. R. 74. Congratulating The Honorable Richard Lee Holmes, Director of the Alabama Department of Industrial Relations.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 7:40 P.M., on motion of Mr. McCarley, the Senate adjourned until Tuesday, August 12, 1969, at 1 o'clock P.M.

TWENTY-NINTH LEGISLATIVE DAY

TUESDAY, AUGUST 12, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Reverend John Oliver, Associate Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—33

JOURNAL

On motion of Mr. Lolley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Albea, leaves of absence were granted Messrs. Adams and McCarley for today.

RESOLUTIONS

Messrs. Pierce, Adams, Albea, Bailes, Branyon, Carr, Childs, Clark, Cooper, Dominick, Engel, Folsom, Giles, Gilmore, Givhan, Goodwyn, Harris, Hawkins, Jackson, Leonard, Lindsey, Lolley, McCarley, McDermott, Morrow, Nabors, O'Bannon, Oden, Pelham, Radney, Skidmore, Stone, Torbert, Turner and Vacca offered the following Senate Resolution, to-wit:

S. R. 79. BE IT RESOLVED BY THE SENATE OF ALABAMA That a Committee of five members of the Senate be appointed to serve as official representatives of the Senate at the funeral services for Mr. Charles M. Cooper at 10:30 A.M. on Wednesday, August 13, 1969, at the First United Methodist Church, Montgomery, Alabama.

On motion of Mr. Pierce, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members of said committee Messrs. Torbert, McDermott, Morrow, Pierce and Skidmore.

BILL RECONSIDERED

On motion of Mr. O'Bannon, the Senate reconsidered the vote by which the Bill, H. B. 1117, was passed on the Twenty-Eighth Legislative Day.

On motion of Mr. O'Bannon, the Senate reconsidered the vote by which the Bill, H. B. 1117, was ordered to its third reading.

On motion of Mr. O'Bannon, further consideration of the Bill, H. B. 1117, was carried over temporarily.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Harris and Oden:

S. 850. To propose an amendment to the Constitution of Alabama, relating to the levying and collection of special property tax for general health purposes in the counties of Lawrence, Limestone and Morgan, Alabama.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Folsom:

S. 851. To amend Act No. 160, S. 338 of the Regular Session, 1965 (Acts, Regular Session 1965, p. 228), which relates to director's fees which may be paid to members of the board of directors of certain gas districts.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. 852. To alter, rearrange and extend the boundary lines and corporate limits of the City of Fayette in Fayette County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FAYETTE

NOTICE is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE
ENTITLED AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Fayette in Fayette in Fayette County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Fayette in Fayette County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in, addition to the area now embraced within such corporate limits of the city, certain land lying and being in Fayette County and more particularly described as follows:

In Township 15, Range 12: The North one-half of the North one-half of Section 29; the East one-half of the East one-half Section 30; the West one-half of the East one-half and the East one-half of the West one-half of Section 32; and

In Township 16, Range 12: The West one-half of the East one-half and the East one-half of the West one-half of Section 5; and the West one-half of the Northeast Quarter of the Northwest Quarter of Section 8.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FAYETTE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Black, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Fayette County Broadcaster, a newspaper of general circulation published in Fayette County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

JACK BLACK,
Publisher.

Sworn to and subscribed before me August 7, 1969.

ELOISE F. THOMLEY.

By Mr. Branyon:

S. 853. To alter, rearrange and extend the boundary lines and corporate limits of the town of Detroit in Lamar County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAMAR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Detroit in Lamar County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Detroit in Lamar County are hereby altered, rearranged and extended so as to include within the corporate limits of the Town, in addition to the area now embraced within such corporate limits of the Town, a tract of land more particularly described as follows:

The SE¼-SW¼ and the N½-SE¼ of Section 12; the NE¼-NE¼ of Section 13, all in T 12 S, R 16 W; also the NW¼-SW¼ and the W½-NE¼-SW¼ and the E½-SW¼-NW¼ and the W½-SE¼-NW¼ of Section 7; the N½-NW¼ and the SE¼-NW¼ and SW¼-NE¼ of Section 18, all in T 12 S, R 15 W.

All of said territory lying and being in Lamar County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rex Rainwater, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1969.

REX RAINWATER.

Sworn to and subscribed before me June 19, 1969.

NELLIE RUTH TAGGART,
Notary Public.

By Mr. Vacca:

S. 854. To amend Section 125 of Title 36, Code of Alabama, 1940, relating to investigating and reporting motor vehicle accidents.

Committee on Public Roads and Highways.

By Mr. Radney:

S. 855. To alter and rearrange the boundary lines of the Town of Newsite, Alabama, so as to include within the corporate limits of the Town of Newsite, Alabama, all territory now within such corporate limits and also certain other territory.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A Bill Substantially as Follows
Will Be Introduced in the
Alabama Legislature

AN ACT

To alter and rearrange the boundary lines of the Town of Newsite, Alabama, so as to include within the corporate limits of the Town of Newsite, Alabama, all territory now within such corporate limits and also certain other territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act, the boundary lines of the Town of Newsite, Alabama, be and the same are altered and rearranged so as to include within the corporate limits of the said Town of Newsite, Alabama, in addition to the territory included within its present corporate limits certain territory more particularly described as follows:

Sections 28, 29, 30, 31, 32, and 33, Township 24 N, Range 23 E, Tallapoosa County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher, of the Alexander City Outlook published weekly at Alexander City, Alabama do solemnly swear that a copy of the notice, as per clipping attached, was published 4 times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks , commencing with the issue dated July 17, 1969, and ending with the issue dated August 7, 1969.

J. C. HENDERSON.

Subscribed and sworn before me this 7th day of August, 1969.

VONCILLE M. DEAN,
My Commission Expires January 18, 1971. Notary Public.

By Mr. Giles:

S. 856. Creating and establishing a county-wide personnel system at the option of the governing body of the county for all counties of the State of Alabama having a population of not less than 115,000 and not more than 165,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Committee on Local Legislation No. 1.

By Messrs. Goodwyn and Pierce:

S. 857. To regulate further fees of justices of the peace in all counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census; and to provide that in lieu of justices' fees in criminal cases in such counties for the collection by justices of the peace of a fixed charge per case in all criminal cases, all of which must be remitted to the state, and for the payment by the state of compensation to justices of the peace for all their services pertaining to criminal cases tried in their respective courts on the basis of their case loads.

Committee on Local Legislation No. 1.

By Messrs. Goodwyn and Pierce:

S. 858. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; providing for participation of school lunchroom managers and assistants to such managers who are employed by the county board of education or a city board of education in such county in the Employees' Retirement System of Alabama; requiring the employing board of education to take such action as is required to bring such lunchroom managers and their assistants under the retirement system in the manner prescribed in Section 12 of Act No. 515, H. 93, of the Regular Session of 1945, as amended; and directing the county governing body to appropriate and pay out of county funds to the county board of education or a city board of education, as the case may be, the amounts needed to pay the employer's contributions to the retirement system.

Committee on Local Legislation No. 1.

By Mr. Giles:

S. 859. Authorizing the Board of County Commissioners or like governing body of Madison County, Alabama to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Madison County, for the purchase of equipment, materials and supplies.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the Board of County Commissioners or like governing body of Madison County, Alabama to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of proving volunteer service in emergency situations arising in said Madison County, for the purchase of equipment, materials and supplies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of County Commissioners or other like governing body of Madison County, may, in its discretion, appropriate and pay county funds, within the financial means of the county, in such amounts as may seem reasonable and necessary to the commissioners of other like governing body of Madison County, to volunteer non-profit fire departments or volunteer non-profit corporations or organizations, organized for the purpose of providing volunteer service in case of emergencies arising in Madison County, including but not limited to lost children and drowning victims and otherwise furnishing first aid assistance in emergency situations. Such funds so appropriated shall be used for the purchase of equipment, materials or supplies to be used solely for such volunteer non-profit fire departments or such volunteer non-profit corporations or organizations. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage or approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 26, August 1, 6, and 11, 1969.

W. C. LEWIS.
Secretary-Treasurer.

Sworn to and subscribed before me this the 11th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Giles:

S. 860. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts, Organizational, Special Regular Sessions 1967, Vol. II p. 1482) an act applying only in counties having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

Committee on Local Legislation No. 1.

By Messrs. Morrow and Pierce:

S. 861. Relating to crimes and offenses; prescribing penalty for certain offenses relative to coin-operated devices, including but not limited to parking meters, vending machines, coin telephones.

Committee on Judiciary.

By Mr. Nabors:

S. 862. To amend Section 5 of Act No. 226, Acts of Alabama, 1959, Page 765, to provide that the City of Gadsden shall pay into the Policemen's and Firemen's Retirement fund an amount equal to ten (10%) per cent of the salary of each member of the police and fire departments and to provide that each such member shall pay into said fund an amount equal to five (5%) per cent of his monthly salary; and to provide that a person must hold a position for three (3) years just before retirement or his percentage of pension shall be averaged as provided herein.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to wit:

To amend Section 5 of Act No. 226, Acts of Alabama, 1959, Page 765, to provide that the City of Gadsden shall pay into the Policemen's and Firemen's Retirement fund an amount equal to ten (10) per cent of the salary of each member of the police and fire departments and to provide that each such member shall pay into said fund an amount equal to five (5) per cent of his monthly salary; and to provide that a person must hold a position for three (3) years just before retirement or his percentage of pension shall be averaged as provided herein.

Be It Enacted by the Legislature of Alabama:

SECTION 1: Section 5 of Act No. 226, Acts of Alabama, 1959, Page 765, is hereby amended to read as follows:

Section 5: The policemen's and firemen's retirement fund shall consist of the following, namely: (a) All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden; (b) All moneys or properties that may be given or donated to said fund by any persons, firm, association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund; (c) five per cent of the monthly salaries of each member of such police and fire departments; which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said five per cent of such salaries shall be deducted from said salaries paid such members; (d) all reward money paid to any member of such police and fire departments shall be paid by the recipients of the same into said retirement fund promptly upon receipts of the same; (e) all civil or criminal witness fees received by any member of the police and fire departments for attendance a before any court or grand jury in Etowah County are located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same; (f) the governing body of the city shall cause to be paid into said policemen's and firemen's retirement fund, out of the treasury of such city, an amount equal to ten (10) per cent of the salary of each member of such police and fire departments who contribute to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section; (g) the city clerk shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February, 1946, and all such fees hereafter collected by the city.

Existing funds and property belonging to or part of any existing similar fund now or hereafter governed by the provisions of this Act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon the law becoming effective.

Section 2: Section 13, of Act No. 226, Acts of Alabama, 1959, Page 765, is hereby to read as follows:

Section 13: Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the current salary being paid to persons holding the same rank as such retired member held at the time of his retirement; provided, that the member at the time of his retirement shall have held the same rank or position during the three (3) years (36) months next preceding his retirement; and provided, further, that if the member has held the rank or position at which he retires for a period less than three (3) years (36) months just before his retirement, that his retirement benefit shall equal fifty (50) per centum of the average monthly salary applicable to the particular position or positions, and rank or ranks held by the member, during the three year period preceding retirement.

SECTION 3: All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 4: This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
ETOWAH COUNTY

Before me, Walter Betz, a Notary Public, in and for said County, in said State, personally appeared Peggy Culberson, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the Gadsden Fire Department, which notice was printed in The Gadsden Times in its regularly circulated editions on July 19, 26, August 1, and August 8, 1969, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 11th day of August, 1969.

PEGGY CULBERSON.

Subscribed and sworn to before me on this the 11th day of August, 1969.

WALTER BETZ,
Notary Public, Etowah County, Alabama.

By Mr. Nabors:

S. 863. To alter and rearrange the boundaries between the City of Gadsden and the City of Glencoe so as to detach certain territory from the City of Glencoe and annex the same to the City of Gadsden.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGALS

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries between the City of Gadsden and the City of Glencoe so as to detach certain territory from the City of Glencoe and annex the same to the City of Gadsden.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line between the City of Gadsden and the City of Glencoe in Etowah County shall be altered and rearranged so as to incorporate within the City of Gadsden the following described territory which now lies within the corporate limits of the city of Glencoe, to-wit:

Lots 58, 59 and 60, Block 6, Meadowgrove Acres as recorded in Plat Book "F", pages 41 and 43 in the office of the Judge of Probate of Etowah County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Peggy Culberson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 21, July 28, August 4, and August 11, all in the year 1969.

PEGGY CULBERSON.

Sworn to and subscribed before me August 11th, 1969.

WALTER BETZ
Auditor.

By Mr. Givhan:

S. 864. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

Committee on Local Legislation No. 1.

By Mr. Lolley:

S. 865. To amend further Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v.2, p. 1210), as amended, in relation to the powers of housing authorities and municipalities to acquire planning funds from federal agencies.

Committee on Municipalities and
Municipal Organizations.

By Messrs. Jackson and Goodwyn:

S. 866. To authorize and provide for the establishment, operation and financing of a public defender office in those judicial circuits of the State of Alabama having a State Penitentiary population of not less than one thousand, seven hundred inmates; to define the powers, duties of and limitations upon such public defenders; to provide for the selection of such public defenders and their compensation and expenses of said office; to provide for the resignation and removal of such public defenders.

Committee on Public Buildings
and Grounds.

By Mr. Giles:

S. 867. To authorize the creation of a public corporation in Madison County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations created thereby; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; and providing that no debt of a state, political subdivision thereof or of any municipality created thereby shall be incurred in the exercise of any of the powers granted by this act.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the creation of a public corporation in Madison County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corpora-

tion, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations created thereby; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; and providing that no debt of a state, political subdivision thereof or of any municipality created thereby shall be incurred in the exercise of any of the powers granted by this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Madison County and the governing body of the City of Huntsville are hereby authorized to declare by the adoption of appropriate resolution the need for the formation of a public corporation to carry out the provisions of this act. Upon the adoption of such resolution each such body shall appoint two persons and shall agree upon and appoint a fifth person, each of whom must be a duly qualified elector and property owner in Madison County, Alabama, who shall form the board of directors of such corporation and shall proceed to organize such corporation.

Section 2. The certificate of incorporation of the corporation shall state: the names of the persons forming the corporation, together with the residence of each thereof and a statement that each of them is a duly qualified elector of and property owner in the county; the name of the corporation; the location of its principal office, which shall be in the county seat of the county; and any other matters relating to the corporation which the incorporators may choose to insert and which shall not be inconsistent with this act or with the laws of the state. The name designated for the corporation and the certificate of incorporation shall be one indicating the purpose thereof, such as "Huntsville-Madison County Marina and Port Authority" or some other name of similar import. The certicate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments of deeds, and the certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in Section 1, and a certificate by the Secretary of State that the name proposed for the corporation is not indentical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.

Section 3. The certificates of incorporation with the documents attached shall be filed with the Judge of Probate of the county and the Secretary of State, who shall forthwith receive and record the same. When such certificate is so filed the corporation referred to therein shall come into existence and shall constitute a public body corporate and politic, vested with the rights and powers herein granted.

Section 4. All powers of the corporation shall be exercised by the board of directors or pursuant to its authority. The directors shall be elected by the governing body of Madison County and by the governing body of the City of Huntsville for staggered terms of office as follows: two (2) years for the first appointee of Madison County and five (5) years for the second appointee of Madison County; three (3) years for the first appointee of the City of Huntsville and four (4) years for the second appointee of the City of Huntsville; six (6) years for the appointee named jointly by Madison County

and the City of Huntsville; and thereafter the term of office of each director shall be six (6) years. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in the county or is otherwise disqualified to act, the governing body or bodies having appointed such director shall elect a successor to serve for the unexpired term. Directors shall be eligible for re-election to succeed themselves in office. A majority of the members of the board shall constitute a quorum for the transaction of business. The corporation shall have a president, a vice-president, a secretary and a treasurer, but the office of secretary and treasurer may be held by the same person. All officers shall be elected by the board and shall be members of the board. The members of the board and the officers shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. All proceedings of the board shall be reduced to writing by the secretary of the corporation and recorded in a well-bound book. Copies of such proceedings when certified by the secretary of the corporation shall be received in all courts as evidence of the matters and things therein certified. The corporation shall make to the governing bodies of Madison County and the City of Huntsville, an annual written report of its activities and of its plans for the future which report shall include a financial operating statement and balance sheet prepared by the examiner of public accounts for the State of Alabama or by a certified public accountant.

Section 5. A corporation organized and established under the provisions of this act shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(b) To adopt an official seal and alter the same at pleasure.

(c) To maintain a principal office at the county seat and suboffices of such place or places within the county as it may designate.

(d) To sue and be sued in its own name, excepting actions in tort against the corporation.

(e) To construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas ports, water front facilities, docks, wharves, piers, berths, quays, warehouses, industrial and building sites, industrial and factory buildings, and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith.

(f) To own, acquire, maintain and control easements, rights of way, streets, approaches, roads, interests in land, including the fee simple title to real property and riparian rights necessary, useful or convenient in gaining access, entry or approach to waterways, rivers and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land and riparian rights lead to property owned or controlled by the corporation.

(g) To acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same, and to develop any undeveloped property owned, leased, or controlled by it.

(h) To execute such contracts or other instruments and to take such action as may be necessary or convenient to carry out the purpose of this act or the exercise of any authority or power granted hereunder.

(i) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities suitable for use in or on marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites and industrial and factory buildings or for the conduct of any lawful business at, upon, or adjacent to any property owned or controlled by such corporation and to lease or let such buildings, structures and facilities, or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the corporation may require or approve.

(j) To furnish or supply upon any property owned or controlled by the corporation to persons, machines, automobiles, and watercraft thereon, for reward or compensation, goods, commodities, area facilities and services convenient or useful to the owners, operators and users of watercraft, machines and automobiles and to persons upon property owned or controlled by the authority, including, but not limited to, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline motors and watercraft, motor and watercraft parts and equipment, space in buildings, space for buildings and structures and the services of mechanics, instructors and repairmen.

(k) Charge fees for admission to any of its properties.

(l) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissary note or notes and such other agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness.

(m) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the corporation may require, including the power to fix working conditions by general rule and other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will.

(n) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any facility or other property owned or controlled by the corporation.

(o) To make and enforce rules and regulations governing the use of any property or facility owned or controlled by the corporation.

(p) To provide for such insurance, including use and occupancy insurance as the corporation may deem advisable.

(q) To cooperate with the state, any department or agency of the state, any county, municipality or other political subdivision of the state, or with the United States of America or any of its departments or agencies and to make such contracts with such agencies as the board may deem advisable.

(r) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any of its facilities or properties from the United States of America or any agency thereof and from the state, any department or agency thereof, and any political subdivision thereof, and from any municipality, and to receive and accept money, property, labor or other things of value from any source whatever.

Section 6. The corporation shall have the power to borrow money and to issue revenue bonds as evidence of any money borrowed, which bonds shall be payable solely from the revenues derived from the activities and enterprises in which the corporation is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations insurred or assumed, the corporation in its descretion may mortgage, pledge or otherwise transfer and convey its real personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired, and all or any part of the revenues derived from the activities or enterprises in which the corporation is hereby authorized to engage.

When the corporation deems it advisable, convenient, necessary or expedient to issue such bonds it shall so resolve and all the provisions of said resolution or mortgage and of such covenants and agreements as it may enter into to secure the issuance of such bonds shall constitute valid and legally binding contracts between the corporation and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforced by any such holder or holders by mandamus or other appropriate action, suit or proceeding at law or in equity in any court of competent jurisdiction. The circuit court of Alabama or any court of competent jurisdiction shall have the authority to appoint a receiver for the properties of the corporation upon the terms and conditions specified in the resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the corporation shall deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of those to whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest and have such maturities and redemption privileges as the corporation shall determine.

Such bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the authority and the holders of the bonds so refunded if such returning is by exchange, and as may be determined by the corporation, if such refunding is by sale of refunding bonds. Such borrowing may be evidenced by sale of such bonds either at private or public sale, in such manner and from time to time as may be determined by the corporation to be most advantageous, and the corporation may pay all expenses, premiums and commissions which the authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and all instruments executed as security therefor shall be exempt from all taxation under the laws of the State of Alabama. Neither the county nor any city in which said corporation is located shall in no event be liable for any money so borrowed, nor shall the same be construed to be an indebtedness of or against such county or any city within such county. The bonds provided for herein shall be issued in the name of the corporation appearing in the certificate filed by the probate judge of the county and said bonds shall be executed in such name by the president, attested by the secretary of the board and thereon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

Section 7. The contracts of the corporation shall be executed in the name of the corporation by the president of the corporation and attested by the secretary of the corporation. Except for bonds it is not required that the seal be impressed or printed on contracts. Its further provided hereby that, except for bonds, the corporation may provide by resolution for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the president and secretary. But in no event shall a contract, irrespective of the form and of the person executing the same, be binding unless such contract was authorized or ratified by the corporation.

Section 8. Madison County or the City of Huntsville, or any city within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the corporation, real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of said county, or any city within the county, and the governing body of said county or any city within the county, is hereby authorized to enter into any agreements which such corporation may deem necessary in order to effectuate such lease, sale, donation, or transfer. The county, the City of Huntsville, or any city within the county, is further authorized to covenant with the corporation, which covenant shall likewise constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the corporation, that it will not acquire, construct or operate or permit the acquisition, construction or operation within the city or county, of any facility in competition with the corporation so long as any of the bonds, notes or other obligation of the corporation shall remain outstanding.

Section 9. No debt, obligation or liability contracted or incurred by the corporation or by any director, officer, employee or agent of the corporation shall be a debt, obligation or liability of the State of Alabama, or of any city, town, county or political subdivision of the State of Alabama.

Section 10. All property of the corporation shall be exempt from state, county and city taxation; and the corporation shall be exempt from license or privilege licenses levied by the state, county or city upon the business or activities conducted or engaged in by said corporation; provided, however, this exemption shall not be construed to exempt concessionaires or lessees of the authority from the payment of any taxes, including licenses, privileges, or sales taxes levied by the state, county or city.

Section 11. The provisions of this act are severalable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of law which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County,

Alabama, and that the attached legal notice was published in said newspaper on July 26, August 1, 6 and 11, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 11th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Giles:

S. 868. To amend further Act No. 658, H. 1030, approved November 21, 1959, as amended by Act No. 124, S. 28, Acts of Alabama 1961, p. 2047 and as further amended by Act No. 173, H. 296, approved July 30, 1965, Acts of Alabama 1965, p. 243, an act providing for a privilege license or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 658, H. 1030, approved November 21, 1959, as amended by Act No. 124, S. 28, Acts of Alabama 1961, p. 2047 and as further amended by Act No. 173, H. 296, approved July 30, 1965; Acts of Alabama 1965, p. 243, an act providing for a privilege license or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section four of Act No. 173, H. 296, approved July 30, 1965, Acts of Alabama 1965 p. 243, which act amended Act No. 124, S. 28, Acts of Alabama 1961, p. 2047, which said act amended Act No. 658, H. 1030, approved November 21, 1959, Act of Alabama p. 1542, is further amended to read as follows: "Section 4. The revenue collected from the tax hereby levied, less the cost of collection, including any discount allowed on the sale of stamps, shall be distributed as follows: fifty per cent (50 per cent) thereof shall be paid over to the City of Huntsville; forty-five and one-half (45½ per cent) per cent thereof shall be paid over to the Board of Education of Madison County to be used for public school purposes; one per cent (1 per cent) thereof shall be paid over to the City of New Hope; one per

cent (1 per cent) thereof shall be paid over to the City of Gurley; one per cent (1 per cent) thereof shall be paid over to the City of Owens Cross Roads; one per cent (1 per cent) thereof shall be paid over to the City of Madison; one-half of one per cent (½ of 1 per cent) thereof shall be paid over to the city of Triana.

Section 2. This act shall take effect on the first of the month next following the date of its enactment.

Section 3. This act shall not affect the distribution of revenue collected prior to the effective date of the act.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 26, August 1, 6 and 11, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 11th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Giles:

S. 869. To amend further Act No. 476, H. 627, Regular Session 1955 (Acts 1955 v. 11 p. 1084) as said act was amended by Act No. 276, H. 346, Acts of Alabama, Special Session 1966, p. 419, approved September 9, 1966, an act creating the office of Deputy Circuit Solicitor in the Twenty-third Judicial Circuit; and providing for his appointment, duties and compensation.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 476, H. 627, Regular Session 1955 (Acts 1955, v. 11 p. 1084) as said act was amended by Act. No. 276, H. 346, Acts of Alabama, Special Session 1966, p. 419, approved September 9, 1966, an

act creating the office of Deputy Circuit Solicitor in the Twenty-third Judicial Circuit; and providing for his appointment, duties and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section three of act number 476, H. 627, Regular Session 1955 (Acts 1955 v. 11 p. 1084) as said act was amended by Act No. 276, H. 346, Acts of Alabama Special Session 1966, is hereby further amended to read as follows: "Section 3. Each deputy circuit solicitor of the twenty-third Judicial Circuit shall be paid by the State of Alabama, an annual salary of Forty-two Hundred ($4200.00) Dollars payable as the salaries of other state officers are paid. The exact amount of the compensation of each deputy circuit solicitor shall be determined by the circuit solicitor of the Twenty-third Judicial Circuit but such compensation shall be determined by him in accordance with the following table and criteria. There is hereby established a pay table with the grade level and step pay increases within each grade level as follows:

LEVEL	STEP				
	1	2	3	4	5
1	7,800	8,575	9,350	10,125	10,900
2	9,350	10,125	10,900	11,675	12,450
3	10,900	11,675	12,450	13,225	14,000

(a) The Circuit Solicitor for the Twenty-third Judicial Circuit is authorized to hire entry deputy circuit solicitors without prior applicable legal experience at Level One Step One, and to increase their compensation to that set forth in Level One, Step Two at the termination of six (6) months of such employment provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor. Thereafter increases in compensation for such deputy circuit solicitor shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor.

(b) The said Circuit Solicitor is authorized to hire deputy circuit solicitors with a minimum of two (2) years of applicable legal experience at Level Two, Step One and to increase the compensation for such deputy circuit solicitor to that set forth in Level Two, Step Two at the termination of six (6) months of such employment provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor. Thereafter increases in compensation for such deputy circuit solicitor shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor.

(c) The said circuit solicitor is authorized to hire deputy circuit solicitors with four (4) years of applicable legal experience at Level Three, Step One and to increase the compensation to that set forth in Level Three, Step Two at the termination of six (6) months of such employment provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor. Thereafter increases in compensation for such deputy circuit solicitor shall be made annually at the rate of one step increments within the grade level provided the performance of such deputy circuit solicitor has been satisfactory to the circuit solicitor.

(d) Promotions may be made when a position is vacant and authorized and an incumbent shall be considered qualified if such incumbent has a mini-

mum of two years of applicable legal experience and has performed satisfactory while an incumbent. An incumbent so qualified may be promoted to Level Two and an incumbent shall be considered qualified for promotion if he has a minimum of four (4) years of applicable legal experience and has performed satisfactory while an incumbent. An incumbent so qualified may be promoted to Level three.

(e) Upon promotion to a new level an incumbent shall be placed at one step lower in his new level than the level he was in at the time of the promotion so as to give the incumbent the equivalent of a one step increase in the level from which he was promoted.

Section 2. In the hiring of deputy circuit solicitors and in raising their compensation, the circuit solicitor shall conform to and remain within the limits of the budget for his office as adopted by the governing body of Madison County for each fiscal year unless prior approval for a modification of such budget is approved by such governing body within the fiscal year.

Section 3. In the event the governing body of Madison County shall hereafter adopt a merit system for any of the employees of the county affected by this act, then this act shall become ineffective as of the time of the adoption of said merit system by the county governing body.

Section 4. The designation "Circuit Solicitor" shall include the designation "District Attorney" where each such designation appears herein.

Section 5. All laws or parts of law which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 26, August 1, 6 and 11, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 11th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Giles:

S. 870. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts Organizational, Special Regular Sessions 1967, Vol. II p. 1482) an act applying only in counties having a population of not less thn 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the pay-

ment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

Committee on Local Legislation No. 1.

By Mr. Leonard:

S. 871. Relating to counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; to authorize the county governing body of each such county to provide for the payment of certain expenses heretofore incurred by certain county officers of the county and to validate certain payments heretofore made by such county governing bodies.

Committee on Local Legislation No. 1.

By Mr. Childs:

S. 872. To regulate visiting speakers at state supported colleges and universities.

Committee on Public Buildings and Grounds.

By Mr. Stone:

S. 873. To fix the compensation of the judge of probate and the sheriff in all counties having populations of not less than sixteen thousand one hundred and fifty (16,150) and not more than seventeen thousand three hundred and fifty (17,350) according to the last or any subsequent Federal decennial census and to provide an effective date to begin at the next term of office.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 874. To alter, rearrange and extend the boundary lines and corporate limits of the City of Decatur, in Morgan County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Decatur, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Decatur in Morgan County, are hereby altered, rearranged and extended so as to

include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory, situated in Morgan County, Alabama:

Beginning at the Southwest corner of Section 27, Township 5 South, Range 4 West, Morgan County, Alabama, TVA Property Marker No. 181, and running North along the West margin of said Section 27, a distance of 998.99 feet to TVA Property Marker No. 71; thence turning an angle of 89 degrees 43′ measured counterclockwise from back tangent and running Easterly along the South margin of the Replat of Blocks 1 to 9 inclusive Pennyacres Subdivision Addition No. 4, as shown by Plat of Record in the Office of Judge of Probate of Morgan County, Alabama, for a distance of 885.24 feet to a point, said point being the SE corner of said Replat of Pennyacres Subdivision, Addition No. 4, the true point of beginning; thence turning an angle of 90 degrees 03′ 20″ measured clockwise from back tangent and running Northerly along the East margin of said Replat of Pennyacres Subdivision, Addition No. 4, a distance of 245.55 feet to a point 45 feet North of the centerline of Greenwood Drive, said point being the North right-of-way line of a 90 foot right-of-way for the proposed extension of Greenwood Drive; thence turning an angle of 90 degrees measured counterclockwise from back tangent, and running S 89 degrees 00′ 20″ E along the North right-of-way line of said 90 foot right-of-way a distance of 597.7 feet to the PC of a 2,247.01 foot radius curve, said curve having a central angle of 38 degrees 48′ 40″; thence Northeasterly along the North right-of-way line of said curve as it curves to the left an arc distance of 1,522.09 feet to the PT of said curve; thence running N 52 degrees 11′ E 295.88 feet to a point; thence running N 7 degrees 11′ E a distance of 99.97 feet to a point on the Southerly right-of-way line of a 180 foot right-of-way for the proposed extension of 8th Street, S. E.; thence N 37 degrees 49′ W along the South right-of-way of said 180 foot wide right-of-way 1,314.9 feet to the PT of a 5,639.65 foot radius curve, said curve having a central angle of 29 degrees 55′; thence running Northwesterly along said 5,639.65 foot radius curve as it curves to the left an arc distance of 2,944.71 feet to the PC of said curve; thence N 67 degrees 44′ W, 1,349.32 feet along the South right-of-way line of said 180 foot right-of-way to its intersection with the East right-of-way line of 24th Avenue, S. E., said point being 32.36 feet South of the intersection of said East right-of-way line of 24th Avenue, S. E., and the South right-of-way line of 8th Street, S. E.; thence North along the East right-of-way line of 24th Avenue, S. E., 32.36 feet to its intersection with the South right-of-way line of 8th Street, S. E.; thence S 88 degrees 46′ E, 804.20 feet along the South right-of-way line of 8th Street, S. E., and said right-of-way if extended to a point; thence turning an angle of 89 degrees 37′ 30″ measured clockwise from back tangent and running N 0 degrees 51′ 30″ E parallel to the West margin of Climatrol Industries, Inc. (Worthington Corporation) Property a distance of 650.3 feet to a point; thence turning an angle of 218 degrees 15′ measured clockwise from back tangent and running N 39 degrees 06′ 30″ E 140.88 feet to a point; thence turning an angle of 218 degrees 15′ measured clockwise from back tangent and running N 77 degrees 21′ 30″ E, 1,128.5 feet to a point; thence turning an angle of 191 degrees 00′ measured clockwise from back tangent and running N 88 degrees 21′ 30″ E, 50 feet, more or less, to a point on the 556.3 foot contour elevation on the South bank of a drainage ditch; thence due East 1,600 feet, more or less, to an intersection with a line 75 feet Southeast of and parallel to the surveyed centerline of the Wilson Dam-Huntsville Transmission Line; thence with the line that is 75 feet Southeast of and parallel to the surveyed centerline of said Transmission

Line, North 32 degrees E. 400 feet, more or less, to a point on the original left bank of the Tennessee River; thence with a line approximating the original left bank of the Tennessee River South 56 degrees E, 4,310 feet, more or less, to a point on the centerline of the original chanel of Flint Creek; thence with the centerline of the original channel of the creek as it meanders upstream approximately 13,000 feet to a point on the West line of the East ½ of the West ½ of Section 34, Township 5 South, Range 4 West; thence North 0 degrees 45' W, 2,575 feet, more or less, to a point; said point being TVA Monument 183; thence North 0 degrees 43' 35" E. 998 feet to a point, said point being TVA Monument No. 70; thence turning an angle of 90 degrees 12' 45" measured clockwise from back tangent and running North 89 degrees 03' 40" W, 448.75 feet to the Southeast corner of the Replat of Lots 1 through 9 of Pennyacres Subdivision Addition No. 4, as shown by plat of record in the Office of Judge of Probate of Morgan County, Alabama, said point being the true point of beginning.

Less and except:

A tract of land containing 21.4 acres lying in the N½ of the N½ of the NW¼ of Section 27, and in the SW¼ of the SE¼ of the SW¼ of Section 22, Township 5 South, Range 4 West, Morgan County, Alabama, described as follows:

Beginning at the SW corner of the NE¼ of the NE¼ of the NW¼ of Section 27, said point being T. V. A. Property Marker No. 63; thence running westerly along the south margin of the N½ of the N½ of the NW¼ of said Section 27 a distance of 1337.09 feet to a point on the SW corner of the NE¼ of the NW¼ of the NW¼ of said Section 27, said point being T. V. A. Property Marker No. 62; thence turning an angle of 90 degrees 22' 12" measured counterclockwise from back tangent and running northerly 661.7 feet to a point on the NW corner of the NE¼ to the NW¼ of the NW¼ of said Section 27, said point being T. V. A. Property Marker No. 61; thence turning an angle of 89 degrees 49' 45" measured counterclockwise from back tangent and running east along the north margin of said Section 27 a distance of 511.24 feet to a concrete marker at a point on the 556.3 foot contour line on the west bank of Black Branch, an embayment of Wheeler Lake; thence following said 556.3 foot contour line as it meanders in a southwesterly direction along the westerly bank of Black Branch a distance of 880 feet, more or less, to a point on the south margin of the NE¼ of the NW¼ of the NW¼ of said Section 27; thence running easterly along the south margin of said NE¼ of the NW¼ of the NW¼ of Section 27 a distance of 20 feet, more or less, to a point on the 556.3 foot contour line on the easterly bank of Black Branch; thence following said 556.3 foot contour line as it meanders in a northeasterly direction along the easterly bank of said Black Branch a distance of 1190 feet, more or less, to a concrete marker at a point on the north margin of Section 27, said point being 926.5 feet east of T. V. A. Property Marker No. 61; thence continuing northeasterly along said 556.3 foot contour line as it meanders northeasterly, then easterly, then southeasterly, a distance of 250 feet, more or less, to a concrete marker at a point on the south margin of Section 22, said point being 1136 feet east of T. V. A. Property Marker No. 61; thence following said 556.3 foot contour line as it meanders in a southeasterly direction 1100 feet, more or less, to a point on the south margin of the NE¼ of the NE¼ of the NW¼ of Section 27; thence running westerly along the south margin of the NE¼ of the NE¼ of the NW¼ of Section 27 a distance of 227 feet, more or less, to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Samuel D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17th, July 24th, July 31st, and August 7th, all in the year 1969.

SAMUEL D. NETTLES.

Sworn to and subscribed before me August 8th, 1969.

P. H. JERVIS,
Notary Public.

By Mr. Carr:

S. 875. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional allowances for clerk hire fund for the office of Probate of such counties.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 876. To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws.

Committee on Privileges and Elections.

By Mr. Lindsey:

S. 877. Relating to counties having populations of not less than 17,800 nor more than 18,700, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Lindsey:

S. 878. To fix the compensation of the deputy sheriffs in counties having populations of not less than 17,800 nor more than 18,700.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 673. To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

And requests a Committee of Conference, and the Speaker of the House has named as a Committee of Conference on the part of the House Messrs. McCorquodale, Pruitt and Adwell.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Clark, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 673, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Lindsey, Pelham and Skidmore.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 210. To propose an amendment to the Constitution of Alabama authorizing the State to engage in works of internal improvement in promoting and aiding the commercial flow of agricultural products within the State or to engage in works of internal improvement along navigable waterways within the State; authorizing the State to become indebted for not exceeding $10,000,000 aggregate principal indebtedness in connection therewith and authorizing pledge of the faith and credit of the State to secure the repayment of such indebtedness and interest thereon.

Also:

S. 236. Relating to Highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the federal-aid primary system and the national system of interstate and defense highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to provide for violations and penalties; to provide how this Act may be cited; and to provide a severability clause.

Also:

S. 209. To implement, when ratified, the provisions of that certain Constitutional Amendment proposed by the Legislature of Alabama in ..... adopted at the 1969 Regular Session of the Legislature of Alabama and that authorizes the State, in promoting and aiding the commercial flow of agriculture products within the State or in aid of commerce and use of the waterways of the State, to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating within the State or along navigable streams and waterways now or hereafter existing within the State all manner of elevators, facilities, warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same, and to incur indebtedness and issue bonds for said purpose; to implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 262 adopted at 1967 Regular Session of the Legislature of Alabama; to implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding $10,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding $10,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under this Act; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued hereunder; to make appropriation for payment of the principal and interest on bonds issued under the 1969 Docks Amendment, the 1967 Docks Amendment and the 1957 Docks Amendment from the General Fund of the State; to provide for the acquisition of property for the purpose of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, con-

structed, or operated pursuant to the provisions of this Act, or Act No. 264 adopted at the 1967 Regular Session of the Legislature, Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature, Act No. 716 adopted at the 1961 Regular Session of the Legislature, or Act No. 192 adopted at the 1963 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the State Docks facilities at the Port of Mobile shall be used to meet operating deficits of the facilities constructed under said 1969 Docks Amendment, said 1967 Docks Amendment, or said 1957 Docks Amendment.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 39. Commending the Board of Trustees and the Administration of Auburn University for establishing the Center for Urban and Regional Planning.

Also:

S. J. R. 42. Authorizing the installation of additional lighting in both the Senate and House Chamber.

Also:

S. J. R. 52. Designating the new administration building of the University of Alabama the "Frank Anthony Rose Hall" and the married student apartment building the "Tommye Stewart Rose Tower".

Also:

S. J. R. 55. Designating the part of Highway 159 that extends from Fayette to the Pickens line be "The J. M. Moore Highway".

Also:

S. J. R. 56. Asking the U.S. Post Office Department to issue a 10¢ air-mail commemorative postage stamp in recognition of the City of Huntsville.

Also:

S. J. R. 57. Designating the new student center to be constructed at the University of Alabama, as "Ferguson Student Center".

Also:

S. J. R. 58. Commending the Administration, all employees and private contractors of the National Aeronautics and Space Administration for their extraordinary technical accomplishments.

Also:

S. J. R. 61. Mourning the death of Anabel Rice Warren.

Also:

S. J. R. 67. Mourning the death of Mrs. Mildred T. McDow.

Also:

S. J. R. 68. Designating the lands and reaches of the river within the DeSoto State Park and south of the State Highway 35 bridge as a State Wild and Scenic River.

Also:

S. J. R. 69. Naming the library at Patrick Henry State Junior College as the "John D. Forte Library".

Also:

S. J. R. 70. Naming the Science Building at Patrick Henry State Junior College the "Ernest Stone Hall".

Also:

S. J. R. 74. Congratulating Richard Lee Holmes as being nominated by the Montgomery Jaycees to be considered as one of Alabama's Four Outstanding Young Men.

Also:

S. 109. To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Montgomery Institute of Neurological Development for the operation and maintenance of the school.

Also:

S. 182. To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies.

Also:

S. 189. To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles; to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars

to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool.

Also:

S. 239. To regulate the execution of certain public contracts for the sale of state-owned tangible personal property or standing timber by competitive bid; to provide for disposition of proceeds from such sales; and prescribe penalties.

Also:

S. 259. Relating to law enforcement in Mobile County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund; repealing conflicting laws, and specifically repealing Act No. 413, H. 941, Regular Session 1965 (Acts 1965, p. 602) as to Mobile County.

Also:

S. 266. To amend Section 16 of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Also:

S. 267. To amend Section 402 (65) of Title 37 of the Code of Alabama of 1940 to provide for the use of the public roads by gas districts in this state.

Also:

S. 337. To amend Act No. 669, Regular Session 1939, known as the Motor Carrier Act of 1939 (General Acts of Alabama, 1939, p. 1064) by imposing a fee for applications for certificates of public convenience and necessity and permits.

Also:

S. 340. To amend further Code of Alabama 1940, Title 24, Section 18, as amended, so as to increase the penalty for obtaining board by fraud or misrepresentation.

Also:

S. 405. To amend Section 6, as amended, and Section 7 of Act No. 158, Acts of Alabama, First Special Session 1956, entitled An Act to provide for and fix the manner in which the Director of Conservation may execute oil, gas and mineral leases on all lands under the jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the

Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor's approval for all such agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act.

Also:

S. 485. To amend an Act of the General Assembly of Alabama approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 14, 1963, by amending Section 5 thereof by including, in the powers of the Board of School Commissioners of Mobile County, the power to employ and pay guards, watchmen, security personnel, or other functionaries, by whatever name called, to preserve the grounds, school buildings and other structures of any character; that belong to or are in the possession of and are under the control of the Board of School Commissioners of Mobile County; from trespass, vandalism, theft, fire or damage of any character; whether or not of like kind with those just stated; and to invest the said guards, watchmen, security personnel, or other functionaries with the right to use such force as may be necessary in the performance of their duties under and pursuant to their employment under the authority of this Act; and the power to let any property which it may own in fee simple; and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control; for any term or period that may seem to the Board, in the exercise of a sound discretion, proper, not to exceed 99 years, provided however, that the Barton Academy Buildings and property are excepted from the said power to let, and provided further that if the lease be for a term exceeding 50 years and the value of such property shall exceed $5,000 the lease, to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided further that the restriction touching the necessity for unanimous vote of the Board and approval by the Probate Judge shall not apply to leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County.

Also:

S. 547. Relating to all counties having populations of not less than 55,000 nor more than 60,000 according to the most recent federal decennial census; authorizing the employment of a deputy clerk for the jury commission and providing for his duties, tenure and compensation.

Also:

S. 602. To permit the governing body of any county having a population of not less than 65,000 nor more than 95,000, or any municipality within such county to establish within the county, or within the municipality, ambulance service; to permit the county governing body to unite with any municipality within the county in the establishment of such service, making it common for the use of the county and of the municipality.

Also:

S. 610. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate lim-

its of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

S. 611. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

S. 618. To amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to regulate the Office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census; to authorize the Sheriff to appoint an attorney to advise or represent him; to fix the compensation of said attorney to be paid out of the general fund of the County by the Board of Revenue or like governing body; and providing when this Act shall become effective.

Also:

S. 623. Relating to counties having a population of not less than 100,000, nor more than 115,000; fixing the compensation of certain officers in such counties.

Also:

S. 628. Relating to Tallapoosa County: To regulate further the compensation and expense allowances of members of the county governing body.

Also:

S. 629. Relating to the office of the sheriff in Tallapoosa County; further regulating the salaries of deputies of the sheriff.

Also:

S. 635. Providing for payment by housing authorities or redevelopment agencies, on appeal from condemnation proceedings instituted in counties with any urban renewal or other redevelopment plan or project of all reasonable costs of the proceedings in the appellate court, including a reasonable attorney's fee, except in certain instances, in all counties of this state with populations of not less than 49,500 nor more than 50,500.

Also:

S. 636. To apply only in counties of this state having populations of not less than 49,500 nor more than 50,500; providing that in any condemnation proceeding instituted in connection with an urban renewal or other redevelopment plan or project, the commissions appointed pursuant to Code of Alabama 1940, Title 19, Section 11, as amended, shall fix the value of any property sought to be acquired at no less than the value of such property as of the date of the announcement of the plan or project or slum, blight, or deterioration to be removed.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS AND SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORTS OF COMMITTEES

Mr. Nabors, Chairman of the Standing Committee on Corporations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Watkins et al:

H. 1038. To amend Title and Section 19 1/2 and to repeal Section 32 of Act No. 78, Special Session, 1961, (Acts of Alabama of 1961, P. 1955), as amended, which Act regulated the teaching and practice of Cosmetology in any county having a population of less than 600,000 according to the last or any subsequent Federal Decennial Census and creating a State Board of Cosmetology so as to regulate further such teaching and practices and the registration and license fees therefor so as to make such Act applicable to all counties of the State of Alabama.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McLain et al:

H. 92. To make further provisions respecting distribution to municipalities, under Act No. 224 adopted at the 1967 Special Session of the Legislature of Alabama, of that portion allocated to municipalities under the said Act No. 224 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Sections 5 and 7 of the said Act No. 224, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities under Section 5 of the said Act No. 224 that have not yet been distributed to the said municipalities.

By Messrs. Edington and Collins (C):

H. 117. To make a supplemental appropriation to the Alabama Historical Commission.

By Mr. Drake:

H. 368. Relating to taxation, making further exemptions from State sales and use taxes.

By Messrs. Brannan, McCorquodale and Cherner:

H. 841. To fix the salary of the Chief Examiner and the Assistant Chief Examiner.

By Messrs. Brannan, McCorquodale and Cherner:

H. 842. To provide for assistant legal counsels for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this act.

By Messrs. Neville and Paulk:

H. 1041. To authorize each county in this state in which there is now or hereafter levied any privilege license or excise tax the proceeds of which tax may be used in whole or in part for the acquisition, construction, improving, enlarging, renovating, replacing, equipping, operating, maintaining and repairing public hospitals, public clinics, public health centers and related public health facilities in such county, whether any such hospital, clinic, center or facility is owned by the County or a corporation heretofore or hereafter organized or created pursuant to authorization or determination of the governing body of the County, or for one or more of such purposes, to issue to the extent of its constitutional debt limit, interest bearing warrants, certificates of indebtedness or other evidences of indebtedness (other than bonds to which the provisions of Section 222 of the Constitution of Alabama of 1901 apply) for any one or more of the purposes to which the proceeds of such tax may be applied, to provide that the governing body of the County issuing any such warrants, certificates of indebtedness or other evidences of indebtedness shall pledge and use or cause to be pledged and used for the payment of the principal of and interest on such obligations and to provide a reserve fund therefor, so much as may be necessary for such purposes of the proceeds of such tax, to provide that the proceedings authorizing their issuance may provide that such warrants, certificates of indebtedness or other evidence of indebtedness shall evidence the general obligation of the County by which they are issued, in which case the full faith and credit of the County shall be irrevocably pledged for the payment of the principal thereof and the interest thereon, in addition to the pledge of said tax, or in the alternative, that such proceedings may provide that such warrants, certificates of indebtedness and other evidences of indebtedness shall be payable solely from the proceeds of said tax, in which case the full faith and credit of the County shall not be pledged to the payment thereof and the obligation of the County to pay the same shall be limited to the tax so pledged; to provide for the public sale of such warrants, certificates of indebtedness or other evidences of indebtedness; to provide for the refunding of such warrants, certificates of indebtedness or other evidences of indebtedness; to provide that such warrants, certificates of indebtedness or other evidences of indebtedness shall be legal investments for executors, administrators, trustees and other fiduciaries and to provide that insofar as the provisions thereof may be inconsistent with any other provisions of law, the provisions thereof shall control and declaring that the provisions of Section 78 of Title 12, Alabama Code of 1940 shall not be applicable to warrants, certificates of indebtedness or other evidences of indebtedness issued under the provisions thereof.

By Messrs. Giles and Goodwyn:

S. 560. To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the state income tax on individuals; and to provide that this Act shall be given retroactive effect to December 31, 1968.

By Messrs. Skidmore and Torbert:

S. 627. To amend Section 5 of Act No. 926, approved 12 September 1951 (1951 Acts of Alabama, Act No. 926, page 1575) which Section pertains to an appropriation to make a contribution on behalf of the State of Alabama to the National Conference of Commissioners on Uniform State Laws.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Carr and Nabors (with substitute and amendments):

S. 692. Regulating the practice of radiologic technology, providing for appointment and operation of the Board of Radiologic Technologists Examiners for the State of Alabama; providing for examination and licensing of radiologic technologists; providing for the enforcement of this act; and prescribing penalties and fees.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cooper:

S. 827. To make an appropriation for the relief of Mrs. Hubert P. Gavin, of Camden.

By Mr. Turner:

S. 842. To make an appropriation to the office of the Attorney General and to provide for special investigators, clerical assistants, equipment, travel and other necessary expenses.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite (with notice and proof):

H. 1226. To make an appropriation from the Marion County treasury for the relief of Theron Holliman.

By Mr. Fite (with notice and proof):

H. 1225. To make an appropriation from the Marion County treasury for the relief of B. N. Wade.

By Mr. Fite (with notice and proof):

H. 1224. To make an appropriation from the Marion County treasury for the relief of Ray Irvin.

By Mr. Owens (W):

H. 1221. Relating to all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

By Mr. Steagall:

H. 1124. To regulate further the times and places of registering voters in counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census.

By Mr. Fite:

H. 1168. To regulate the compensation of jurors in counties having populations of not less than 14,500 nor more than 14,900.

By Mr. Tuck (with notice and proof):

H. 1166. To provide for compensation of jurors in Pickens County.

By Mr. Tuck (with notice and proof):

H. 1165. To provide for the compensation of the deputy sheriffs of Pickens County.

By Mr. Tuck (with notice and proof):

H. 1164. To fix the compensation and allowance of election officers in Pickens County.

By Mr. Hill (with notice and proof):

H. 1141. To amend Act No. 27, H. 102 of the 1964 Special Session (Acts 1964, Special Session, p. 47) which creates and establishes the Lauderdale County Court, in order to enlarge the civil jurisdiction of the court and to provide for increasing the compensation of the judge thereof.

By Mr. Graham (with notice and proof):

H. 1115. Relating to Colbert County board of revenue; abolishing the office of chairman of the board, providing that the probate judge shall be chairman of the board and transferring certain authority and duties of the incumbent chairman to said judge; further regulating the salaries of board members; and providing for a referendum.

By Mr. McElhaney et al:

H. 1099. To amend Act No. 240, H. 627, approved July 29, 1947, (Local Acts of 1947, p. 165) entitled, "An Act to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said Act.

By Mr. Springer et al:

H. 1008. To amend Act No. 165, No. 215, 1965 Special Session, Vol. I, page 216, approved March 30, 1965, relating to counties having a population of not less than one hundred fifty thousand nor more than three hundred

thousand, fixing the fee for the issuance of a pistol permit by the Sheriff, and providing for the disposition and use of such fee.

By Mr. Lybrand et al (with notice and proof):

H. 1230. To amend Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts, 1939, p. 252), which creates and establishes the County Commission of Calhoun County, amending Section 3 of said Act in order to redivide the county into districts for the purpose of electing the county governing body.

By Mr. Owens (W) (with notice and proof):

H. 1196. To amend Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

By Mr. Owens (W):

H. 1192. To provide for reimbursing the chairman or other presiding officer and the members of the county governing bodies of all counties having populations of not less than 14,300 nor more than 14,800 according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

By Mr. Owens (W) (with notice and proof):

H. 1195. Regulating the compensation of registrars of Bibb County, and providing for payment of additional compensation by the county.

By Mr. Adams (with notice and proof):

S. 826. To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

By Messrs. Goodwyn and Pierce:

S. 843. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

By Mr. Dobbs:

H. 1232. Relating to counties having populations of not less than 51,000 nor more than 56,000; to provide clerk hire allowances for the judge of probate and for the sheriffs in such counties.

By Mr. Dobbs:

H. 1179. To fix the compensation of jury commissions in all counties having populations of not less than 51,000 nor more than 56,000.

By Mr. Drake:

H. 1122. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census; to provide supplementary compensation for the secretary of the judge of the intermediate court in such counties; to repeal conflicting laws.

By Mr. Drake et al (with notice and proof):

H. 1121. To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

By Mr. Drake et al (with notice and proof):

H. 1120. To alter, or rearrange the boundary lines of the Town of Holly Pond, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Mr. Drake (with notice and proof):

H. 1208. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Mr. Drake et al (with notice and proof):

H. 1123. To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

By Messrs. McDonald and Starnes:

H. 972. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax collector of each of such counties.

By Messrs. Starnes and McDonald:

H. 973. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax assessor of each of such counties.

By Messrs. Manley and Pruitt:

H. 1223. Proposing an amendment to the Constitution of Alabama relating to Marengo County, and ordering an election thereon.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Neville (with notice and proof):

H. 1257. To abolish the Court of Common Pleas of Barbour County; to provide for the transfer of cases and causes therein pending; and to repeal Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738).

By Mr. Neville (with notice and proof)

H. 1258. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the western division of Barbour County to be known as the Western District Court of Barbour County; to prescribe the di-

viding line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; and to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court.

By Mr. Neville (with notice and proof):

H. 1051. To regulate further the recording and indexing of deeds, mortgages and other documents and instruments, which are public records, by the probate judge of Barbour County; To provide for the recording of all instruments in one general series of books in each separate division of the county; to provide that instruments will have effect only in the division wherein recorded; providing for the re-indexing of certain records filed heretofore in each of the separate divisions of the county and the placing of a copy of such index in the division where the instrument was not filed; and providing for the binding and maintenance of copies of certain maps in each division of the county.

By Mr. Neville (with notice and proof):

H. 1260. To abolish the jurisdiction of justices of the peace and notaries public ex officio justices of the peace elected or appointed for any precinct in Barbour County in criminal and quasi-criminal cases.

By Mr. Neville (with notice and proof):

H. 1259. To provide for offices and clerks of the tax collector and tax assessor of Barbour County at Eufaula; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of records of the tax assessor and tax collector in each division; and to provide for the exercise of the powers of the tax collector and tax assessor in the appropriate division.

By Mr. Brassell (with notice and proof):

H. 1181. Relating to Russell County; providing for distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

By Mr. Neville (with notice and proof):

H. 1255. To amend Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878–79, p. 106), entitled "An Act to regulate the holding of the circuit courts of Barbour County," so as to redefine the line dividing the county for the purpose of prescribing the jurisdiction of the court held at Clayton and the court held at Eufaula; and to prescribe the method of computing Sheriff's mileage.

By Messrs. McDonald and Drake:

H. 1189. To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation.

By Mr. Holladay:

H. 1106. Relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to $15.00 per day.

By Mr. Neville (with notice and proof):

H. 1254. To regulate further the probate court and probate office of Barbour County; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of a probate office and probate records in each division and for the holding of probate court in each division; and to define the jurisdiction of each division of the court.

By Mr. Neville (with notice and proof):

H. 1256. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the eastern division of Barbour County to be known as the Eastern District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court; to authorize the transfer of any cases pending in the Court of Common Pleas of Barbour County to the court hereby established.

By Messrs. Manley and Pruitt (with notice and proof):

H. 1162. Relating to law enforcement in Marengo County; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund.

By Messrs. Neville and Paulk (with notice and proof):

H. 1054. To amend Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama, Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury."

By Messrs. Neville and Paulk (with notice and proof):

H. 1053. Relating to Macon County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; and providing penalties for violations of the act.

By Messrs. Neville and Paulk (with notice and proof):

H. 1052. To amend Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) which act authorizes the board of revenue or like governing body of Macon County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Macon County; so as to increase the rate of the tax.

By Messrs. Neville and Paulk (with notice and proof):

H. 1045. Relating to Macon County; amending further Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225) which created and established the board of revenue of Macon County.

By Messrs. Neville and Paulk (with notice and proof):

H. 1043. To amend further Act No. 299, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

By Messrs. Neville and Paulk (with notice and proof):

H. 1046. Relating to Macon County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

By Mr. Mays:

H. 1217. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

By Mr. Collier (with notice and proof):

H. 1212. To amend Section 2 of Act No. 47, H. 100 Special Session 1962 (Acts 1962, p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," so as to authorize an additional full time clerk for the circuit clerk.

By Messrs. Neville and Paulk (with notice and proof):

H. 1042. To regulate the salary of the jailer in Macon County, payable out of the general funds of the county.

By Messrs. Neville and Paulk (with notice and proof):

H. 1044. To provide a clerk hire allowance for the sheriff of Macon County, payable out of the general funds of the county.

By Messrs. Radney and Torbert:

S. 498. To amend Act No. 174, S. 282 of the Regular Session of 1967 (Acts 1967, p. 533) entitled, "An Act to provide for an expense allowance for each of the circuit judges of all judicial circuits in this State composed of five (5) counties, with not less than three (3) circuit judges; and providing for the payment of such expense allowance out of the general funds of the counties composing such judicial circuits."

By Mr. Owens (W) (with notice and proof):

H. 1197. Relating to Bibb County; providing additional expense allowances for members of the board of education in such county.

By Messrs. Bassett and Hardin:

H. 1180. To regulate the compensation of members of the county board of education in counties having populations of not less than 25,800 nor more than 26,700 according to the 1960 or any subsequent federal decennial census.

By Mr. McLain et al:

H. 1088. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Owens (W) (with notice and proof):

H. 1190. To provide for an advisory referendum relative to the election of the superintendent of education of Bibb County; and to provide for the appointment or election of the county superintendent of education of such county in the manner favored at such referendum.

By Mr. Turnham et al:

H. 512. To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the territory of Lee County exclusive of Auburn and Opelika.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Young:

H. 550. Relating to counties having a population of not less than 19,000 nor more than 19,500 according to the last and any succeeding Federal Decennial Census, authorizing the appointment of sheriff's deputies, and authorizing the county governing body to determine number of deputies and their salaries.

By Mr. Young:

H. 551. Relating to counties having a population of not less than 19,000 nor more than 19,500 according to the last and any succeeding Federal Decennial Census; providing for the compensation and allowances of members of the county governing body; and to validate actual expenses heretofore paid in performance of their duties outside the county.

By Mr. Young:

H. 707. A bill relating to all counties having populations of not less than 19,000 nor more than 19,500 according to the most recent federal decennial census; further regulating the salary of the members of the tax equalization board, board of registration, and jury commission in each such county.

By Mr. Young:

H. 708. A bill relating to all counties having populations of not less than 10,800 nor more than 12,000 according to the most recent federal decennial census; further regulating the salary of the members of the tax equalization board, board of registration, and jury commission in each such county.

By Messrs. Turnham, Higginbotham and Brassell:

H. 732. To regulate the compensation of bailiffs for the grand jury and bailiffs actually serving in court in every county having a population of not less than 49,500 nor more than 50,000.

By Messrs. Higginbotham and Turnham (with notice and proof):

H. 793. To amend Sections 1 and 2 of Act No. 230, H. 597, Regular Session 1959 (Acts 1959, p. 775) which act authorizes the court of county commissions of Lee County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Lee County; so as to increase the rate of the tax and to provide for the use of the proceeds from such increase.

By Mr. Steagall (with notice and proof):

H. 827. To alter, rearrange and extend the boundary lines and corporate limits of the town of Level Plains in Dale County.

By Messrs. Turnham, Higginbotham and Brassell (with notice and proof):

H. 1013. To provide additional revenue in Lee County; levying in that part of Lee County outside the corporate limits of the cities of Auburn and Opelika special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the Act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the Act.

By Mr. McElhaney et al (with notice and proof):

H. 1100. To provide for the establishment and administration of a Retirement System to provide retirement allowances and other benefits for certain employees of the County of Montgomery, Alabama, and ultimately to supersede the existing pension systems established by Act No. 240 of the Legislature of Alabama of 1947 and by Act No. 176 of the Legislature of Alabama of 1959.

By Messrs. Hill and Haygood:

H. 1140. To apply only in counties having populations of not less than 61,000 nor more than 65,000, reducing the additional compensation for official court reporters of the circuit court in such counties, which is payable from the county treasury, contingent upon the increase of the compensation payable to such court reporter from the State.

By Mr. Tuck (with notice and proof):

H. 1163. Relating to Pickens County; prescribing the meeting dates for the Court of County Commissioners.

By Mr. McLain et al:

H. 1157. Proposing an amendment to the Constitution relating to the levying of a special school tax in School District No. 1, Madison County,

Alabama, which comprises all of Madison County, Alabama except for the City of Huntsville, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Fite:

H. 1167. To regulate the compensation of jurors in counties having populations of not less than 20,100 nor more than 21,850.

By Mr. Bank et al:

H. 1186. To authorize the governing bodies of all counties having populations of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, and the governing bodies of the municipalities within such counties to create a county park and recreation authority, to appropriate funds to such authority, and to abolish any existing park and recreation boards upon the establishment of an authority pursuant to this Act.

By Mr. Culver et al (with notice and proof):

H. 1187. To alter, rearrange, and extend the Corporate Limits line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

By Mr. Owens (W) (with notice and proof):

H. 1191. To amend further Act No. 17, H. 21, Regular Session 1957, an act levying county sales and use taxes in Bibb County (Acts 1957, v.l, p. 43), so as to make further provisions respecting the rates of such taxes.

By Mr. Owens (W):

H. 1193. Proposing an amendment to the Constitution of Alabama relative to Bibb County, authorizing the legislature to fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Owens (W) (with notice and proof):

H. 1194. To change the method of compensating the sheriff of Bibb County, placing such officer on a salary basis; to provide that the fees, commissions, percentages and allowances provided the sheriff under the general law be paid into the county treasury; to provide for appointment and fix the compensation of a chief deputy, deputies, secretary and jailers, and to provide for the payment of expenses.

By Mr. Owens (W) (with notice and proof):

H. 1198. Relating to Bibb County; authorizing the county board of education to fix expense allowance for the county superintendent of education.

By Mr. Cook (Coffee) (with notice and proof):

H. 1231. Relating to Coffee County: to provide further for the payment of expense allowances to members of the governing body of the county; to authorize such members to use county-owned motor vehicles when traveling on county business and to give this Act retroactive effect.

By Mr. Grainger et al:

H. 1241. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

By Mr. Laxson et al:

H. 1242. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

By Mr. Snell:

H. 1202. To propose an Amendment to the Constitution of Alabama relating to Chambers County, so as to provide further for the use of the proceeds of the special property tax authorized to be levied pursuant to Amendment No. 72 for hospital and public health purposes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Perloff:

H. 900. To amend Act No. 252, S. 198, Special Session 1961, an Act creating the office of license commissioner in counties having populations of not less than 300,000 nor more than 500,000, in order to furnish the license commissioner an automobile and gasoline to be used only as necessary in the performance of the official duties of his office.

By Messrs. McCorquodale and Agee:

H. 1111. Relating to counties having populations of not less than 25,700 nor more than 25,900 according to the most recent federal decennial census; to authorize the governing body in such counties to provide additional deputies for the sheriff; to repeal conflicting laws.

By Messrs. McCorquodale and Agee:

H. 1110. Relating to counties having populations of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census; to regulate the insuring of certain public school buildings in such counties, together with the equipment, furniture, fixtures and other property of such buildings; to repeal conflicting laws.

By Mr. Mays (with notice and proof):

H. 1215. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

By Mr. Mays (with notice and proof):

H. 1214. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

By Mr. Mays (with notice and proof):

H. 1213. To alter and rearrange the boundary lines of the City of Brewton, Alabama so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said city.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Melton and Garrett (with notice and proof):

H. 1207. Relating to Conecuh County; providing for the payment of a monthly expense allowance to the members of the county board of education.

By Mr. Edington:

H. 728. To amend Act No. 168 (H. 270) Special Session of 1966 relating to the Alabama Historical Commission by increasing the Commission membership from eleven to fifteen persons.

By Mr. Dill et al:

H. 1082. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq.), which established a policemen's pension system for cities having a population of 100,000 or more, as reenacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended.

By Messrs. Branyon, Givhan, Harris, Lolley and Gilmore:

S. 198. To amend further Code of Alabama 1940, Title 22, Section 208, as amended, which pertains to "EMPLOYEES OF THE MILK CONTROL BOARD" so as to bring said employees under the provisions of the Merit System Act.

Mr. Cooper, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Givhan:

S. 651. To amend Act No. 187, H. 33, Legislature of Alabama of 1953, approved July 2, 1953, (Acts of Alabama, 1953, Vol. 1, p. 240), entitled "An Act to eradicate and prevent the spread of diseases of swine in Alabama by regulating the feeding of garbage to swine", etc.; by amending Section 4 thereof relating to annual permit fees and to require persons who feed garbage to swine to pay the cost of inspections for the purpose of determining whether the requirements of this Act are being complied with as such costs are approved by the State Board of Agriculture and Industries.

By Mr. Marr:

H. 816. To provide further for the admission of the mentally retarded to certain state hospitals and facilities.

By Mr. Pennington et al:

H. 796. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions and industry, and to authorize counties and municipalities to provide for collection and disposal of solid wastes and charge a fee therefor, and to contract for such services to be performed by others, and to permit the formation of districts or areas beyond corporate limits, or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act or rules and regulations pursuant thereto, in the interest of the public health, comfort and safety.

By Mr. Turnham et al:

H. 735. To amend Act No. 310 adopted at the 1967 Regular Session of the Legislature of Alabama, to provide that members of the Board of Directors of the Mental Health Authority need not be residents of the municipality which appoints them, but need only be residents of the area served by the Mental Health Authority.

By Mr. Turnham et al:

H. 733. To provide for voluntary and temporary or emergency admissions of patients at certain state hospitals and facilities maintained for treatment of the mentally ill, and to repeal conflicting laws.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sessions et al (with substitute):

H. 1137. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite (with amendments):

H. 91. To amend Code of Alabama 1940, Title 35, Section 102, which provides exemptions from state toll bridge and tunnel fees, and automobile fees to certain members of the state militia, so as to extend the exemption relative to automobile fees to noncommissioned officers and enlisted men in the active national guard of Alabama.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Meade and Beck (with notice and proof):

H. 918. To amend Act No. 261, H. 808, approved August 23, 1955 (Acts 1955, p. 606) relating to the construction, maintenance and repair of the county roads and bridges of Cherokee County.

Mr. Carr, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Culver et al:

H. 958. To further amend Chapter 7 of Title 2 of the Code of Alabama of 1940 by amending Sections 672, 674, 675, 676 and 677 relating to requirements for persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural, and tree surgery work; to define such work; to prescribe special requirements for structural pest control work including the annual permit, bond, insurance, training, experience and other requirements; prescribing the powers and duties of the Commissioner of Agriculture and Industries for administration and enforcement of said Chapter 7; and prescribing penalties for violations.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pelham (with substitute):

S. 608. To amend Section 1 of Act No. 34, (H. 45) of the Special Session of 1969, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county," so as to define such taxes more particularly; to provide more fully for the collection of such taxes and to prescribe certain limitations on such taxes; and to authorize and provide for the calling and holding of elections relative to the levying of such taxes.

By Mr. Torbert (with substitute):

S. 845. To amend Section 606, Title 51, Code of Alabama, 1940, relating to privilege licenses.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. O'Bannon:

S. 807. To require hospitals to permit certain persons to inspect the record of any person who authorizes the same; to require proof of authorization; to define terms; and to prescribe penalties for violations.

By Messrs. Headley and Neville:

H. 20. Relating to fees of witnesses in criminal cases; amending Code 1940, Title 11, Section 103.

By Mr. Wright et al:

H. 57. To provide for the depositing of a valid Driver License in lieu of bail for violation of certain traffic laws of incorporated municipalities.

By Messrs. Jackson (T), Crane and Dill:

H. 260. To amend Section 666 of Title 7 of the Code of Alabama, 1940, as amended, relating to wages and salary of deceased employees.

By Mr. Jackson (T):

H. 261. To amend Code of Alabama 1940, Title 27, Section 3, which relates to consent to adoption of children; amending such section in relation to the consent required in case of illegitimacy.

By Mr. Dill:

H. 272. To amend Code of Alabama 1940, Title 7 A, Section 2-314, in relation to implied warranties.

By Mr. Stubbs:

H. 320. Relating to the Eighteenth Judicial Circuit; providing for an additional Circuit Judge in such Circuit.

By Messrs. Dobbs and Shumate:

H. 351. To require a bill of sale in the transfer, sale or gift of a dog.

By Messrs. Higginbotham, Turnham and Brassell:

H. 1015. To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

Mr. Branyon, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hobbie et al:

H. 301. To amend further Code of Alabama 1940, Title 22, Section 213, as amended, which pertains to "LICENSES TO PRODUCERS, PRODUCER-DISTRIBUTORS, STORES, MILK DEALERS, DISTRIBUTORS, AND COOLING STATIONS," so as to bring within the provision of said section.

MOTION TO RECONSIDER

Mr. Nabors moved that the Senate reconsider the vote by which the Bill:

S. 743. To amend Sections 1 and 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax.

was passed on the Twenty-Eighth Legislative Day:

On motion of Mr. McDermott, the motion to reconsider was laid on the table.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Bailes	Givhan	Lolley	Skidmore	
Childs	Goodwyn	McDermott	Stone	
Clark	Hawkins	Morrow	Turner	
Dominick	Jackson	O'Bannon	Vacca	
Engel	Leonard	Oden		—22

Nays:

Messrs.:	Carr	Harris	Pierce	
Albea	Cooper	Nabors	Radney	
Branyon	Folsom			—9

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 117. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

LELAND CHILDS,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 342. To provide for city elections on legality of sale and distribution of alcoholic beverages in dry counties; and to exempt certain counties, classified by population, from the operation of the Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

RESOLUTION

Messrs. Harris, Goodwyn, Pelham, Radney, Nabors, Hawkins, Childs, Gilmore, Torbert, Pierce, Carr, Giles, Leonard, McDermott, Vacca, Branyon, Givhan, Clark, Bailes, Morrow, O'Bannon, Turner, Lindsey, Stone, Dominick, Skidmore, Cooper, Engel, Lolley, Folsom, Jackson, Albea, and Oden offered the following Senate Resolution, to-wit:

S. R. 80. WHEREAS, allegations charging serious misconduct by a member of this Senate in the performance of his official duties have appeared in a news article of the August 12, 1969, issue of The Montgomery Advertiser; and

WHEREAS, such news article implies that one or more unidentified members of this body have been or may be implicated in the misconduct attributed to a specified Senator; and

WHEREAS, it is essential to the maintenance of public confidence in the Legislature of Alabama that every charge of misconduct by a member thereof, in the performance of his official duties, be thoroughly and swiftly examined and public disclosure made of all facts relating to such charge:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. That request is hereby made that the Grand Jury of Montgomery County proceed immediately to inquire into the allegations against a member or members of this body appearing in a news article of the August 12, 1969, issue of The Montgomery Advertiser.

2. That the President of the Senate appoint and impanel a committee from the membership of this body and that such committee be charged to inquire into the allegations of such news article and promptly report its findings to the Senate.

On motion of Mr. Harris, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Bailes requested and received unanimous consent that the name of Mr. Adams, who is absent due to illness, be added as co-sponsor of the Resolution, S. R. 80.

SELECT COMMITTEE APPOINTED

Under the terms of S. R. 80, the President and Presiding Officer of the Senate appointed as members of said Committee Mr. Harris, Chairman, Mr. Clark, Vice-chairman, Messrs. Pierce, Bailes, Engel, Skidmore and O'Bannon.

RESOLUTIONS

Messrs. McDermott, Engel and Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 81. WHEREAS, the Honorable Leroy Stevens was elected in 1968 by the people of Mobile County to his seventh consecutive term of office as a member of the Mobile County Commission; he was first elected to this body (then known as the Mobile County Board of Revenue and Road Commissioners) in 1942 and has been returned to office ever since; and

WHEREAS, Mr. Stevens has served as Chairman and President of the Mobile County governing body from the death of the Honorable A. B. Jefferies in 1954 until January, 1969, a period of over fourteen years, during which time Mobile County has experienced substantial increases in population and industrial growth and has enjoyed a period of economic progress and growth unsurpassed in its previous history, no small part of which is attributed to the leadership of this dedicated public official; and

WHEREAS, Leroy Stevens has devoted his entire working life to the County of Mobile, having gone to work for Mobile County in 1913 as a common laborer and advancing through the ranks over the years to the positions of truck driver, foreman and road superintendent, and finally as an elected member of the county governing body and its Chairman for over fourteen years; and

WHEREAS, upon completion of his current term of of office in 1972, Mr. Stevens will have completed fifty-nine years of service to Mobile County, including thirty years of elected public service on his county's governing body; and

WHEREAS, the people of Mobile County are deeply appreciative and grateful to this dedicated public servant for his outstanding record of service to their county; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that we extend the commendation of the Legislature of Alabama to the Honorably Leroy Stevens for his many years of dedicated service to the people of Mobile County and by virtue thereof, to the State of Alabama.

BE IT FURTHER RESOLVED, that the Honorable Leroy Stevens be, and he is hereby, designated Chairman Emeritus of the Mobile County Commission in recognition of his outstanding record of public service.

On motion of Mr. McDermott, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 82. WHEREAS the Governor has announced the location of a state vacation park on the Walter F. George Reservoir near Eufaula, Alabama which is one of the most beautiful areas of this state; and

WHEREAS this scenic spot will not only be a haven of rest and recreation for native Alabamians, but it will also serve as a major attraction in bringing tourists and visitors from other states to Alabama and in making them increasingly aware of the many advantages of vacationing in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new vacation park on Lake Eufaula be named, designated and known as the Albert Brewer Lakepoint Resort as a fitting tribute to our highly esteemed Governor.

On motion of Mr. Clark, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Dominick and Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 83. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the modernization of legislative processes. The committee shall consist of seven members, four of whom shall be members of the House to be appointed by the Speaker of the House, and three of whom shall be members of the Senate to be appointed by the presiding officer of the Senate. The committee shall elect a chairman and a vice-chairman from among its members. The chairman shall preside at its meetings and set the schedule and program for committee work and shall fix the days and hours of its meeting. In case of the absence or incapacity of the chairman, the vice-chairman shall act in his stead.

The committee shall consider those phases of the legislative processes of this state which it believes to be in need of modernization and shall attempt to determine in what manner and by what method more effective processes might be incorporated. It shall make a comprehensive study of the legislatures of other states in which modernized processes have been inaugurated and determine to what extent they have been effective in those states and to determine the cost thereof. It shall be authorized to make such inquiries and examine in detail any phase of such modernization as the committee may reasonably consider might be made effectively applicable to this state.

Members of the committee shall be entitled to their regular legislative pay and per diem expenses for each day in which they are actually engaged in committee work. The expenses of the committee shall be paid from funds appropriated to the use of the legislature, on warrants drawn by the State Comptroller upon requisitions signed by the committee chairman, provided the total amount so expended shall not exceed five thousand dollars ($5,000).

The committee shall make a final report of its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the next regular session of the legislature, whereupon the committee shall be dissolved.

On motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Torbert offered the following Senate Joint Resolution, to-wit:

S. J. R. 84. WHEREAS, the untimely passing of Mr. Samuel Wright (Sam) Morgan, Jr., on August 2, 1969, has brought sorrow to his family

and to his many friends, not only in Lee County, but throughout the state of Alabama and in other states as well; and

WHEREAS, Mr. Sam Morgan was eminently respected in banking circles for his undaunted efforts in establishing the bank as an instrument of community development; and

WHEREAS, Mr. Morgan was instrumental in the organization and operation of several banks in Lee County and directed the Opelika National Bank to leadership in the field of processing government insured home loans for veterans after World War II, now therefore

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we deplore the loss of Mr. Sam Morgan, Jr., whose death deprives the community and the state of one of its leaders, and that we extend our heartfelt sympathy to his family; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. Morgan's wife and family.

On motion of Mr. Torbert, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

Messrs. Adwell, Agee, Bank, Bassett, Beck, Berryman (W), Blanton, Bolton, Bowers, Brannan, Brassell, Brown, Burgess, Burgreen, Cameron, Cherner, Collier, Collins (C), Collins (W), Cook (Coffee), Cook (Jefferson), Crane, Crawford, Culver, Dill, Dobbs, Doss, Downing, Drake, Edington, Ellis, Fine, Fite, Foshee, Gafford, Garrett, Gloor, Graham, Grainger, Grayson, Hain, Hardin, Harper, Harris, Haygood, Headley, Higginbotham, Hill, Hobbie, Holladay, Holman, House, Jackson (F), Jackson (T), Jones, Kilgore, Laxson, Lemley, Lybrand, Lyons, Malone, Manley, Marr, Mathews, Mays, McCorquodale, McDonald, McElhaney, McLain, Meade, Meeks, Melton, Merrill, Money, Nettles, Neville, Owen (Baldwin), Owens (W), Owens (W.E.), Paulk, Pearson, Pennington, Perloff, Pruitt, Robertson, Sessions, Shumate, Slate, Smith, Snell, Springer, Starnes, Steagall, Stembridge, Stubbs, Tuck, Turnham, Waggoner, Watkins, Weeks, Williams, Wood, Wright, Yeilding, Young:

H. J. R. 117. WHEREAS the State of Alabama, the Senate, and the House of Representatives have suffered a grievous loss in the passing of Charles Madison Cooper, Director of the Legislative Reference Service, and

WHEREAS Mr. Cooper has for many years been regarded by judges, attorneys, and members of the legislature as one of the leading constitutional lawyers in the state, and an outstanding authority on legislation and legislative writing, and

WHEREAS Mr. Cooper as Director of the Legislative Reference Service, as Secretary of the Legislative Council and in many other official and unofficial capacities, served the interests of the state and of the people of Alabama for over twenty-five years, and has been awarded national as well as statewide recognition for his services in the field of legislation, and

WHEREAS Mr. Cooper has long been a trusted friend and wise counsellor to the members of this body and has contributed immeasurably to the preparation and passage of legislation which shall long accrue to his personal credit, and to the benefit of the people of Alabama, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That each member of this body feels a personal loss and bereavement at the passing of Charles M. Cooper and we extend our heartfelt sympathy to the members of his family.

RESOLVED FURTHER, that copies of this resolution be sent to Mrs. Charles M. Cooper, and to their son and daughter, Charles M. Cooper, Jr. and Mrs. Richard Humphrey.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Childs, the Rules were suspended and the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 78. To provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 826. To make an appropriation to the Alabama Institute for Deaf and Blind for Capital Outlay purposes.

Also:

H. 423. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, H. 29, approved May 24, 1951 (Acts of Alabama 1951, p. 259); in relation to the periods during which service must be rendered, the duration of such service and the time of residence in Alabama of the veteran entitled to benefits under the Act; to eliminate certain redundancies in the Act; to clarify certain ambiguities therein; and to provide that the benefits authorized therein shall be in addition to other state and federal benefits accorded to children, wives and Widows of the Act.

Also:

H. 765. To provide for the repair/or lease of heavy duty off-highway construction equipment including machinery used for grading, drainage, road construction and compaction for exclusive use of county and municipal, highway, street and sanitation departments by the county boards of revenue or other similar county governing bodies, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, relative to exemption from competitive bidding in the expenditure of public funds.

Also:

H. 360. To make an appropriation to the Governor's Office for the purpose of paying a contribution to the National Governors Conference.

Also:

H. 564. Relating to the Twenty-ninth Judicial Circuit; creating an additional judgeship for such circuit; providing for the designation of such judgeships by number and for a presiding judge of such circuit; and providing for the election, term, compensation, powers, duties, liabilities and authority of an additional judge for such circuit.

Also:

H. 874. To provide for the appointment of a deputy district attorney for the Twenty-Ninth Judicial Circuit of Alabama, prescribe his powers and duties, fix and provide for payment of his compensation, and regulate his tenure in office.

Also:

H. 226. To fix the salary of the Attorney General.

Also:

H. 428. To amend Section 16 of of Title 23 of the Code of Alabama of 1940 providing for certain rules and regulations of the highway department.

Also:

H. 510. Relating to eminent domain proceedings; amending Code of Alabama 1940, Title 19, Section 14 in relation to proceedings instituted by watershed conservancy districts and water management districts.

Also:

H. 511. To amend Act No. 517, S. 96, Legislature of 1957, approved September 13, 1957 (Acts of Alabama 1957, Vol. II, p. 705), an Act providing for the creation of watershed conservancy districts for developing and executing plans and programs for the conservation of water, water uses, flood prevention and control, prevention and control of erosion, flood water and sediment damages by amending Sections 1 and 9 of said Act.

Also:

H. 629. To make an appropriation to the University of Alabama for the purchase of law library books in support of the Alabama Law Institute.

Also:

H. 722. To amend Act No. 249, H. 492, of the Regular Session of 1967 (Acts, Regular Session 1967, p. 629), which provides for the organization, creation, and operation of the state law institute so as to provide further for the composition of the governing body of the institute.

Also:

H. 824. To amend the "Alabama Water Management Act", Act No. 685, S. 364, of the Regular Session of 1965, (Acts of Alabama of 1965, Regular Sess., Vol. II, p. 1246), "An Act to provide for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the State, and for flood prevention or the conservation, development, utilization and disposal of water within the State"; etc., by amending Sections 5, 9 and 10 of said Act which relate to the organization of water management districts.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 332. To empower the Director of Conservation with authority to prohibit the importation into this State of any bird, animal, reptile, amphibian, or fish when such importations are not in the best interest of the State of Alabama; to provide regulatory authority to the Director of Conservation to implement the provisions of this Act.

Also:

H. 111. To prohibit the sale or delivery of certain harmful materials to minors; to define certain terms; to provide that it shall be unlawful to exhibit to minors certain prohibited practices; to provide that it shall be unlawful for minors to falsely represent their age to gain access to prohibited practices; to provide for procedures for the commencement of enforcement and for application for the declaratory judgment; to provide that it shall be unlawful for any person to make false representation that he is the parent or guardian of a minor for the purpose of gaining such minor access to prohibited practices; to place certain limitations upon the prosecution of persons accused of violating this act; to provide for exceptions; to provide for penalties; to provide the procedures connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Also:

H. 1049. To create a judiciary fund in the county treasury of Barbour County, to be used for the purpose of obtaining, maintaining and making available for public use certain judicial reference materials; to provide for certain payments into the fund and to provide for and regulate expenditures from the fund; placing certain duties on the Judge of the Third Judicial Circuit, the county treasurer of Barbour County and the Barbour County Bar Association; and authorizing the county governing body of Barbour County to expend general funds of the county for the purpose of providing quarters and facilities for the proper care and storage and the convenient use of such judicial reference materials.

Also:

H. 352. To alter, rearrange and extend the boundary lines and corporate limits of the town of Dora in Walker County.

Also:

H. 138. Relating to cities having a population of not less than 100,000 nor more than 150,000 according to the last or any subsequent federal decennial census; providing for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in such cities.

Also:

H. 310. For the relief of widows of governors of Alabama.

Also:

H. 706. To regulate the sale and distribution of commercial fertilizers, fertilizer materials and other substances; requiring a license and permit for the sale thereof, prescribing the fee therefor, requiring labeling information; to levy an inspection fee upon the sale and distribution of fertilizers; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; providing for the assessment and payment of penalties for fertilizers deficient in claimed plant food value; authorizing the State Board of Agriculture and Industries to fix minimum plant

food content, grades and ratios for fertilizers and to adopt rules and regulations for the administration and enforcement of this Act; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 16 of Chapter 1 of Title 2, Code of Alabama 1940, as amended; also, to repeal Act No. 365, Legislature of 1947, approved August 16, 1947.

Also:

H. 929. To alter, rearrange and extend the boundary lines and corporate limits of the town of Reece City in Etowah County.

Also:

H. 817. To levy additional county privilege license and excise taxes for public school purposes in Franklin County paralleling, with like provisions for the county, such state sales and use taxes levied by Act No. 100, Second Special Session 1959, as amended, and Acts supplemental thereto, and levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and Acts supplemental thereto; providing for the enforcement and collection of such taxes by the department of revenue and the distribution of the proceeds thereof and providing that this Act supersedes Act No. 516, approved November 19, 1959, Acts of Alabama 1959, Volume 2, page 1267.

Also:

H. 119. To amend Section 254 of Title 13 of the Code of Alabama of 1940 which relates to the appointment and compensation of Deputy Solicitors or Deputy District Attorneys of the Thirteenth Judicial Circuit.

Also:

H. 213. Further amending Section 1 of Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, Title 51, Section 12(2); providing exemptions from taxation and licensing of certain charitable, religious, or civic organizations.

Also:

H. 418. To make a conditional appropriation from the Alabama special educational trust fund in the state treasury to the use of the Alabama Education Television Commission.

Also:

H. 533. To amend Sections 1 and 3 of Act No. 322, General Acts of Alabama 1947, page 212, which pertains to the catching of shrimp for bait during the closed season and for the licensing of persons selling or offering for sale such shrimp.

Also:

H. 556. To provide that the execution of certain contracts and purchases made by or on behalf of the Alabama Institute of Deaf and Blind shall be subject to the provisions of the state competitive bid law as provided by Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259) as amended.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 726. Relating to Elmore County: abolishing the Elmore County Law & Juvenile Court and establishing in lieu thereof a court of record to be known as the Elmore County Court; defining the court's jurisdiction and powers; providing for its officers, and for their powers, duties, and compensation; providing for the creation of two divisions of the court, to be known as "The Tallassee Division" and "The Wetumpka Division"; providing for the holding of terms and the sessions of the divisions; providing for the rules and procedure of the court; providing for fees and costs of Court; and providing for the transfer of all cases pending in the Elmore County Law & Juvenile to the Elmore County Court.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1. Relating to all counties having populations of not less than 48,100 nor more than 49,700 according to the most recent federal decennial census; providing further for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge; requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; and defining terms.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 557. Relating to schools; authorizing Alabama Institute for Deaf and Blind to provide education at preschool and junior college levels for deaf, blind, visually handicapped, and otherwise severely handicapped persons.

Also:

H. 559. Relating to schools; authorizing the Alabama Institute for Deaf and Blind to provide education for non-residents of the state, the expense of such education to be borne by such persons.

Also:

H. 560. To amend Act No. 542, H. B. 304, Regular Session 1955, an act relating to the blind and visually handicapped (Acts 1955, v. 2, p. 1197).

Also:

H. 561. To amend Act No. 543, H. 303, Regular Session 1955, an act authorizing and providing for the operation of stands in buildings and on properties of the State of Alabama, its agencies, institutions, and political subdivisions by blind persons (Acts 1955, v. 2, p. 1200).

Also:

H. 558. To amend Code of Alabama 1940, Title 52, Sections 528 and 530, in relation to the Institute for Deaf and Blind.

Also:

H. 1030. To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 24,800 nor more than 25,400, according to the most recent Federal Decennial Census.

Also:

H. 774. To provide, in any county of the State of Alabama having a population of not less than 37,000 or more than 41,000, according to the last or any subsequent decennial census for the incorporation of an authority to lease or own or otherwise acquire and provide, control and operate coliseums, parks, exhibits, exhibitions, fairgrounds and other installations, facilities, and places for the amusement, entertainment, recreation and cultural development of the citizens of said county; to provide for the management of said authority by a board of directors; to provide for the appointment, and term of office and removal of said directors; to provide for the powers of such authority; to authorize the county, or any city within such county, to lease or sell and convey to the authority real or personal property; to provide for the terms and conditions on which said authority may conduct, operate, manage or promote amusements or recreational activities; to empower such authority

to construct or acquire recreational facilities and installations for amusement; to empower the authority to borrow money and issue bonds and execute mortgages or other conveyances as security for money so borrowed; to authorize the county or any city within said county to make appropriations or to lend money to the authority; and to accord the authority exemption from state, county and city taxation.

Also:

H. 1068. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Tallapoosa County, so as to annex certain territory into the City of Tallassee, Alabama.

Also:

H. 1065. To alter, rearrange and extend the boundary lines and corporate limits of the City of Tallassee, in Elmore County, so as to annex certain territory into the City of Tallassee, Alabama.

Also:

H. 681. Relating to the Board of Revenue of Limestone County; temporarily increasing the expense allowances for members of said board; fixing the salaries of the members, and reducing expense allowances effective with the new salaries.

Also:

H. 691. To provide for the compensation and expense allowances for certain officers and employees of Limestone County; to provide additional allowances for the employment of deputies, clerks, and other assistants.

Also:

H. 693. Relating to Limestone County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Also:

H. 801. To apply only in counties having populations of not less than 57,000 nor more than 61,000, providing an expense allowance payable from the county treasury for the use of the coroner.

Also:

H. 909. To provide an expense allowance for the judge of probate in all counties having populations of not less than 35,700 nor more than 36,600, such allowance to be payable out of the general funds of the respective counties, and to expire at the end of the term of office of the incumbent judges of probate.

Also:

H. 1011. Relating to the City of Troy in Pike County: Authorizing the City of Troy as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal cor-

poration in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the municipal corporation transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 1040. To provide additional allowances out of the county treasury for clerk hire for temporary or part time clerks or other assistants for certain county officers in all counties having populations of not less than 35,700 nor more than 36,600 according to the most recent federal decennial census.

Also:

H. 1055. Relating to cities operating under the commission form of government for more than thirty years having a population of not less than 16,000 nor more than 26,000 according to the most recent Federal Decennial Census, fixing the election and terms of office, the salaries and duties of the members of the Board of Commissioners of such cities.

Also:

H. 1059. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the twenty-ninth judicial circuit.

Also:

H. 1060. Relating to counties having populations of not less than 65,000 nor more than 95,000; authorizing the county governing body of any such county and the governing body of any municipality within any such county to contribute public funds for a volunteer rescue squad.

Also:

H. 1064. To amend Section 1 of Act No. 60, H. 395 of the current Regular Session 1969, an Act regulating the compensation of the county superintendent of education of counties having a population of 10,800 to 12,000, according to the latest federal census, so as to establish a minimum for such compensation.

Also:

H. 251. An act relating to the municipality of the City of Fort Payne, in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Also:

H. 788. Relating to all counties having populations of not less than 36,600 nor more than 37,600 according to the most recent federal decennial census; authorizing, but not requiring, the governing body of each of such counties to fix the amount and prescribe the manner of compensating the members of the jury commissions of the county.

Also:

H. 789. Relating to counties having a population of not less than 36,600 and not more than 37,600 according to the last federal decennial cen-

sus and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Also:

H. 980. Relating to DeKalb County; providing for nomination and election at large of members of the county commission, repealing conflicting laws.

Also:

H. 823. Changing and extending the corporate limits of the Town of Collinsville, DeKalb County, Alabama.

Also:

H. 940. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Oneonta in Blount County.

Also:

H. 1057. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of county offices in Talladega County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 117. Mourning the death of the Honorable Charles Madison Cooper, Director of the Legislative Reference Service.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 513. Creating a Special Commission to be known as the "Alabama Constitutional Commission," prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

And requests a Committee of Conference, and the Speaker of the House has named as a Committee of Conference on the part of the House Messrs. Garrett, Merrill and Mathews.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Albea, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 513, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. O'Bannon, Albea and Morrow.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 83. Creating a joint interim legislative committee to study the modernization of legislative processes.

Also:

S. J. R. 81. Expressing deep appreciation to Honorable Leroy Stevens of Mobile County, Alabama.

Also:

S. J. R. 84. Relative to the death of Mr. Samuel Wright (Sam) Morgan, Jr., on August 2, 1969.

Also:

S. J. R. 82. Relative to a state vacation park on the Walter F. George Reservoir near Eufaula, Alabama.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Harris offered the following Senate Joint Resolution, to-wit:

S. J. R. 85. WHEREAS, Senate Resolution 80 requested that the President of the Senate appoint and impanel a committee from the member-

ship of that body to inquire into certain allegations appearing in a news article of the August 12, 1969, issue of the Montgomery Advertiser; and

WHEREAS, The Senate believes that it is essential to the proper discharge of the said committee's responsibilities that such committee be empowered to subpoena witnesses to take testimony under oath and compel the production of documents or writings by subpoena; and

WHEREAS, Section 53 of Article 4 of the Constitution of the State of Alabama of 1901 vests in the two houses of the Legislature of Alabama all the powers necessary for the Legislature of a free state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the select committee appointed by the President of the Senate in response to Senate Resolution 80 be empowered to subpoena witnesses, to take testimony under oath, and compel the production of documents or writings by subpoena.

On motion of Mr. Harris, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; to authorize the Superintendent of Banks, entitled under this Act as the Administrator to enforce this Act and to provide penalties for violation; to provide that the Supervisor, Bureau of Loans be designed as Deputy Administrator.

The Standing Committee on Banking reported the following amendment to the Bill, S. B. 774, to-wit:

SENATE BANKING COMMITTEE

AMENDMENT TO SENATE BILL 774

1. Amend the title to Senate Bill 774 to read as follows:

"To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; and to provide penalties for violation."

2. Amend Section 1 of Senate Bill 774 by deleting the semicolon at the end of subsection (a), by substituting a comma therefor, and by adding thereafter at the end of subsection (a) the following:

"provided said loan or amount financed is payable in substantially equal and consecutively monthly installments;".

3. Amend Section 2 of Senate Bill 774 by deleting the last sentence of the first paragraph thereof, which paragraph relates to "Finance charge," and by deleting paragraphs 3 and 4 thereof relating to "Administrator" and "Deputy Administrator" respectively.

4. Amend Section 8 of Senate Bill 774 by deleting the word "country" as it appears in the next to last sentence thereof and by substituting therefor the word "county".

5. Amend Sections 17 and 18 of Senate Bill 774 by deleting the same.

6. Amend Sections 19 and 20 of Senate Bill 774 by renumbering the same Sections 17 and 18 respectively.

On motion of Mr. Torbert, said amendment was laid on the table.

Mr. Torbert offered the following substitute for the Bill, S. B. 774, to-wit:

SUBSTITUTE FOR S. B. 774

A BILL
TO BE ENTITLED
AN ACT

To provide maximum finance charges for loans and credit sales, to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions

As used in this Act:

(a) "Finance charge" shall include all charges payable directly or indirectly by the debtor and imposed directly or indirectly by the creditor as an incident to the extension of credit, including interest, time price differential, points or discount paid directly by the debtor, service, carrying or other charge however denominated, loan fee, credit or investigation fee, but not including permissible default or deferral charges, permissible attorney's fees, court costs, and official fees and taxes, points or discount paid by someone other than the debtor, or premiums for permissible insurance as provided by this Act. For the purpose of determining the permissible finance charge, any discount or point paid by debtor in connection with a mortgage loan on real estate, even though paid at one time, shall be spread over the stated term of the loan or forbearance or credit sale.

(b) The term "Consumer," used as an adjective with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is extended by loan, sale of property or services, lease, or otherwise is a natural person, and the money, property or services which are the subject of the transaction are primarily for personal, family, household or agricultural purposes.

(c) "Creditor" refers only to creditors who regularly extend, or arrange for the extension of, credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services, or otherwise. The provisions of this Act apply to any such creditor, irrespective of his or its status as a natural person or any type of organization.

(d) "Credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the

form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property or services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(e) "Open end credit plan" refers to a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed.

(f) "Administrator" shall mean the Superintendent of Banks of the State Banking Department or his designated representative.

Section 2. The maximum finance charge for any loan or forbearance and for any credit sale may not exceed the greater of the following:

(a) The total of:

(i) $17 per $100 per year for the first $300 of the original principal amount of the loan or original amount financed,

(ii) $11 per $100 per year for that portion of the original principal amount of the loan or original amount financed exceeding $300 and not exceeding $1,000, and

(iii) $8 per $100 per year for that portion of the original principal amount of loan or original amount financed exceeding $1000;

such finance charge may be computed upon the original amount of the loan or original amount financed for the full term without regard to installment payments and added to the principal, provided if said loan or amount financed is payable in installments, then such installments shall be substantially equal and consecutive;

or,

(b) $10 per $100 per year on the unpaid balances of the principal amount of the loan or the amount financed.

If the debt is created under an open end credit plan, the maximum finance charge in connection therewith shall be one and one-half (1½%) percent per month of the unpaid balance from time to time thereunder.

A creditor, in connection with any credit sale, other than a sale made under an open end credit plan, may contract for and receive a finance charge not in excess of the following amounts: $4.00 on any credit sale in which the amount financed is $25.00 or less and $6.00 on any credit sale in which the amount financed is more than $25.00. On an open end credit plan, if there is an unpaid balance on the date as of which the finance charge is applied, a creditor may contract for and receive a minimum charge in an amount computed at a rate not exceeding $.50 per month.

Section 3. (a) When an installment is in default ten (10) days or more, the creditor may make a late charge not exceeding five percent (5%) of the amount of such installment in default or of fifty cents ($.50) on each such installment in default, whichever is greater. Such late charge may be made only once as to such installment in default.

(b) With respect to the deferral of all or a part of one or more unpaid installments of a consumer loan, or consumer credit sale or lease, the creditor may, by agreement with the debtor either before or after default, collect an additional charge for each full month that any installment is outstanding after the due date of such installment equal to that proportion of the finance charge which the amount of the monthly installment bears to the sum of all monthly balances originally scheduled.

(c) When any debt is paid in full before the final installment date the creditor shall refund or credit the debtor with that portion of the finance charge which shall be due the debtor as determined under the rule of 78ths or sum of the digits principle as follows: the amount of the refund or credit shall be as great a proportion of the finance charge originally contracted for as the sum of the periodic time balances of the debt scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the debt, both sums to be determined according to the scheduled payment originally contracted for. No refund of less than $1 need be made. If such prepayment is made by the debtor other than on an installment date, the nearest installment date shall be used in such computation. This subsection shall not apply to an open end credit plan.

(d) When any debt is renewed or refinanced by the creditor or an affiliate of creditor, within a period of 90 days from the date such debt is made or incurred, the debtor shall be entitled to a refund or credit of all that portion of the finance charge computed on a pro rata basis as of the date of such refinancing or renewal. When such renewal or refinancing occurs after 90 days, then such refund or credit shall be calculated as provided in Section 3 (c) above.

Section 4. (a) In a consumer credit sale or consumer lease, the seller or lessor may not take a negotiable instrument other than a check as evidence of the obligation of the buyer or lessee. A holder is not in good faith if he takes a negotiable instrument with notice that it is issued in violation of this section. A holder in due course is not subject to the liabilities prescribed in this Act.

(b) Any creditor, when extending credit with respect to a consumer credit sale, loan or lease other than open end credit, shall at that time furnish to the debtor a duplicate of all instruments executed by the debtor in connection with the transaction.

Section 5. With respect to a consumer credit sale or consumer lease, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the buyer or lessee against the seller or lessor arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or setoff against a claim by the assignee.

Section 6. With respect to an original principal amount not exceeding $300 the agreement may not provide for payment by the debtor of attorney's fees. With respect to larger principal amounts the agreement may provide for the payment by debtor of reasonable attorney's fees not exceeding fifteen percent (15%) of the unpaid debt after default and referral to an attorney not a salaried employee of the creditor. A provision in violation of this section is unenforceable.

Section 7. No creditor shall bring suit on any debt for collection, and no judgment by default or otherwise shall be rendered until the creditor shall file an affidavit stating that (a) there has not been a violation of provisions of this Act, and (b) that the debtor (if a resident of this state) on information and belief of creditor is a resident of the county in which the suit is filed. If such violation exists or if the debtor is not a resident of the county in which suit is filed, the suit shall be abated.

Section 8. "Home solicitation sale" means a consumer credit sale of goods or services, other than farm equipment or motor vehicles, in which the seller or a person acting for him engages in a personal solicitation of the sale at a residence of the buyer and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. It does not include a sale made pursuant to a preexisting open end credit plan, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

The buyer has the right to cancel a home solicitation sale until midnight of the third business day following his execution of an agreement or offer to purchase, which notice is effective when deposited in the mail properly addressed to the seller, postage prepaid. The seller must deliver to the buyer and obtain his written signature to a written agreement or offer to purchase designating as the date of the transaction the date on which the buyer actually signs and containing the following under the conspicuous caption:

"BUYERS RIGHT TO CANCEL"

"If this agreement was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you sign this agreement. The notice must be mailed to: .....
(insert name and mailing address of seller)."

Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

The buyer has a duty to take reasonable care of the goods in his possession before cancellation and for a reasonable time thereafter, during which time the goods are otherwise at seller's risk.

Within ten (10) days after a home solicitation sale has been cancelled or an offer to purchase revoked the seller must tender to the buyer any payments made or goods traded in by the buyer (or the amount equal to the trade-in allowance stated in the agreement) and any note or other evidence of debt. Within a reasonable time thereafter the buyer, upon demand, must tender at his residence to the seller any goods delivered by the seller. If the seller fails to demand such possession within forty (40) days after receipt of such notice, the goods become the property of the buyer without obligation to pay for them.

The provisions of this section shall not apply if the buyer furnishes the seller with a separate dated and signed personal statement describing the emergency requiring immediate remedy and modifying or waiving his right to cancel. The use of printed forms for this purpose is prohibited.

Section 9. If any creditor repossesses or voluntarily accepts surrender of goods sold in which he has a security interest and the cash price of the goods repossessed or surrendered was $1,000 or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from such sale.

Section 10. Prior to entry of judgment the creditor may not attach unpaid earnings of the debtor by garnishment. The garnishment procedure after judgment shall be as provided in Title 7, Section 630 and Sections 995, et seq., except that with respect to consumer loans, consumer credit sales and consumer leases, the amount subject to garnishment shall not exceed the lesser of (a) twenty percent (20%) of his disposable earnings for that week, or (b) the amount by which his disposable earnings for that week exceed fifty times the federal minimum hourly wage in effect when payable. "Disposable earnings" mean that part of the earnings of an individual remaining after deduction of amounts required by law to be withheld and shall not include periodic payments pursuant to a pension, retirement or disability program.

Section 11. With respect to a consumer credit sale, consumer lease, or consumer loan, if the court as a matter of law finds the agreement or any provision of the agreement to have been unconscionable at the time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable provision, or it may so limit the application of any unconscionable provision as to avoid any unconscionable result.

Section 12. With respect to any credit in which the principal is $1,000 or less, the creditor may not contract for an interest in real estate as security except to secure all or a part of the purchase price of such real estate or goods and services that are affixed to and become a part of the real estate. Nothing contained in this section shall be construed to impair the liens established by the provisions of Title 33, Sections 37 through 65, Code of Alabama, 1940 as amended. A security interest taken in violation of this section is void.

Section 13. With respect to consumer credit transactions, where the debt is payable in installments, not made pursuant to an open end credit plan and in which the principal is $2,000 or less, the debt shall be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and

(a) over a period of not more than 36 months and 15 days if the principal is more than $300, or

(b) over a period of not more than 24 months and 15 days if the principal is $300 or less.

Section 14. Any creditor charging a finance charge in excess of the amount authorized herein shall forfeit his right to any finance charge and shall refund to the debtor the total amount of the finance charge, which may be done by reducing the amount of the debtor's principal obligation. If the debtor is entitled to a refund and the creditor refuses to refund within a reasonable time after demand, the debtor may recover a penalty of either twice the finance charge or ten times the amount of the excess charge, whichever is greater, but in any event not less $100, together with a reasonable attorney's

fee. If the creditor has made an excess finance charge in deliberate violation of or in reckless disregard for this Act, the creditor shall have no right to receive or retain the principal or any finance charge whatsoever and the transaction shall be void. No action under this section may be brought more than one year after due date of the last scheduled payment of the agreement pursuant to which the charge was made or in the case of open end credit plans, one year after the excess charge is made.

Section 15. (a) With respect to any consumer credit transaction the creditor may not require any insurance other than credit life insurance and insurance against loss of or damage to any property which is the subject of the consumer credit transaction, and any such insurance so required shall not exceed the approximate amount and term of the credit.

(b) If a creditor requires any insurance permitted herein in any consumer credit transaction, the debtor shall have and be given written notice of the option of providing such insurance through an existing policy or a policy independently obtained and paid for by the debtor, and if the debtor does not exercise the option provided herein, the premium or premiums charged for such required insurance shall be reasonable in relation to the amount and term of the credit.

(c) When insurance as permitted herein is required by the creditor, and is not furnished by the debtor as herein provided, then upon payment of the debt or upon renewal or refinancing of the debt before the final maturity date, the creditor shall refund or credit the debtor with entire unearned premium on such insurance.

Section 16. The Administrator is authorized and empowered to make reasonable rules and regulations as may be necessary for the execution and enforcement of the provisions of this Act.

Section 17. (a) No creditor shall engage in the business of making loans, financing credit sales, or taking assignments of rights against debtors without first having obtained a license therefor from the Administrator provided, however banks chartered by this State or the United States, trust companies, savings or building and loan associations, credit unions, life insurance companies, federally constituted agencies and retailers who extend credit only in connection with sales of merchandise and services are exempt from such licensing.

(b) The license application shall be in writing, under oath, and in the form prescribed by the Administrator, and the applicant shall accompany the application with the payment to the Administrator an investigation fee of $100.

(c) Upon such application and fee payment, the Administrator shall investigate the applicant and determine whether the license should be issued or denied.

(d) No license shall be issued unless the Administrator determines that the financial responsibility, character and fitness of the applicant, and of the members, officers, and directors thereof, are such as to warrant belief that the business will be operated honestly and fairly within the purpose of this Act, and finds that the applicant has assets available for the operation of business under this Act of at least $25,000.00.

(e) Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if (a) the Administrator has notified the applicant in writing that his application has been denied, or (b) the Administrator has not issued a license within 60 days after the application for the license was filed. A request for a hearing may not be made more than 15 days after the Administrator has mailed a writing to the applicant notifying him that the application has been denied stating in substance the Administrator's findings supporting denial of the application.

(f) Any person licensed under the Alabama Small Loan Act as of the effective date of this Act may continue in business thereunder but shall not make loans in excess of $300 unless such person is also licensed under this Act. The payment of the license and examination fees required by this Act shall be in lieu of the license and examination fees required by the Alabama Small Loan Act when the licensee is also licensed under the Alabama Small Loan Act.

(g) Any person subject to licensing hereunder who is not licensed under the Alabama Small Loan Act but is in business on the effective date of this Act must apply for a license hereunder within 30 days thereafter but may continue in business until such application is denied.

(h) The license shall be in the form prescribed by the Administrator, posted conspicuously in the place of business of the licensee, and not assignable or transferable or removed to another location without permission of the Administrator.

(i) The annual license fee hereunder shall be $200.00 for each office, branch, or place of business of the licensee, due on October 1 of each year and delinquent on November 1 of each year. The Administrator shall assess and collect a penalty of 10% for each month or part thereof the licensee is delinquent in the payment of such license fee.

Section 18. For the purpose of determining compliance with this Act, the Administrator may at any reasonable time cause an examination to be made at the licensee's place of business of the records and transactions of such licensee and as cost of examination the licensee shall pay the Administrator an examining fee of $50.00 per day or part thereof and, in addition thereto, $15.00 per day per examiner. Each licensee shall preserve all relevant records for a period of at least two years after making the last entry on any transaction and the Administrator shall have free access thereto at the licensee's place of business at all reasonable times.

Section 19. After notice and hearing the Administrator may order a licensee under this Act or a person acting in his behalf to cease and desist from engaging in violations of this Act, making unconscionable agreements, or engaging in a course of fraudulent or unconscionable conduct. A licensee aggrieved by an order of the Administrator under this section or under Section 22 may obtain judicial review of the order and the Administrator may obtain an order of the court for enforcement of its order in the circuit court. Such proceedings shall be governed by the provisions of Section 20.

Section 20. Any interested party or intervenor may appeal to the Circuit Court of Montgomery County sitting in Equity or to the Circuit Court of the county in which such party has its principal place of business in Alabama

by filing notice of appeal with the Administrator and with the Register of the Circuit Court within thirty (30) days from the date of said final order. Such order shall be prima facie correct and the Circuit Court may hear such appeal according to its own rules and procedure, including the taking of additional testimony and staying said order. The Court may, if it decides that the Administrator has erred to the prejudice of appellant's substantial rights in its application of the law or that the order was based upon findings of fact contrary to the substantial weight of the evidence, remand the proceeding to the Administrator for further action in conformity with the direction of the Court or may enter such order as the Court deems appropriate. Either party may appeal from the Circuit Court to the Supreme Court within thirty (30) days from the date of the order of the Circuit Court.

Section 21. (a) The Administrator may bring a suit to restrain a creditor or a person acting in his behalf from engaging in violations of this Act or engaging in a course of making or enforcing unconscionable agreements or a course of fraudulant or unconscionable conduct in inducing debtors to enter credit transactions or in the collection of debts.

(b) With respect to a suit brought to enjoin violations of the Act or unconscionable agreements or fraudulent or unconscionable conduct, the Administrator may apply to the court for appropriate temporary relief against a respondent, pending final determination of the proceedings. If the court finds after a hearing held upon notice to the respondent that there is reasonable cause to believe that the respondent is engaging in or is likely to engage in conduct sought to be restrained, it may grant any temporary relief or restraining order it deems appropriate.

Section 22. The Administrator may issue to a person licensed hereunder an order to show cause why his license should not be revoked or suspended for a period not in excess of six months. The order shall state the place for a hearing and set a time for the hearing that is no less than 10 days from the date of the order. After the hearing the Administrator

(a) Shall revoke the license if he finds that:

(i) the licensee has repeatedly and willfully violated this act or any rule or order lawfully made pursuant to this Act, or

(ii) facts or conditions exist which would clearly have justified the Administrator in refusing to grant a license had these facts or conditions been known to exist at the time the application of the license was made.

(b) may suspend the license if he finds that the licensee has violated this Act or any rule or order lawfully made pursuant to this Act.

Section 23. This Act shall become effective January 1, 1970.

RECESS

At 6:07 P.M., on motion of Mr. Turner, the Senate took a recess until 8:30 o'clock tonight.

NIGHT SESSION

TWENTY-NINTH LEGISLATIVE DAY

TUESDAY, AUGUST 12, 1969

The Senate reassembled in the Senate Chamber, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McDermott	Skidmore
Carr	Givhan	Morrow	Stone
Childs	Goodwyn	Nabors	Torbert
Clark	Harris	O'Bannon	Turner
Cooper	Hawkins	Oden	Vacca
Dominick	Jackson		

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FURTHER CONSIDERATION OF S. B. 774

The Senate proceeded to further consideration of the Bill:

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; to authorize the Superintendent of Banks, entitled under this Act as the Administrator to enforce this Act and to provide penalties for violation; to provide that the Supervisor, Bureau of Loans be designed as Deputy Administrator.

The question was on the substitute offered by Mr. Torbert.

Mr. Radney offered the following amendment to the substitute for the Bill, S. B. 774, to-wit:

AMENDMENT TO S. B. 774 AS SUBSTITUTED

Amend Section 2(a) (i) by changing the figure $17 to 17%; further amend 2(a) (ii) by changing $11 to 11%; further amend 2(a) (iii) by changing $8 to 8%.

On motion of Mr. Torbert, said amendment was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Stembridge and Crawford:

H. 1297. To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
HOUSTON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the 1969 regular session of the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Cottonwood, Houston County, Alabama, be changed to include all of the territory lying within the following described boundaries:

Beginning at the Southwest corner of Section 23, T1N, R27E and running thence North along the west line of said Section 23, and along the west line of Section 14, and along the West line of Section 11 to the Northwest corner of the S½ of N½ of said Section 11, T1N, R27E; thence East along the north line of the S½ of N½ of said Section 11, and along the north line of the S½ of N½ of Section 12 to the Northeast corner of the S½ of N½ Section 12; thence South along the East line of the S½ of N½ of Section 12, and along the East line of Section 13, and along the East line of Section 24 to the southeast corner of Section 24, T1N, R27E; thence West along the south line of said Section 24 and along the south line of Section 23 to the Point of Beginning and embraces all of Sections 13, 14, 23 & 24 and the South ¾ of Sections 11 & 12 all in Township 1 North, Range 27 East.

As thus altered and extended the corporate limits of said town shall include all of the lands lying within the aforesaid boundaries.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wallace Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Director of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without

cost to the State of Alabama, said notice having appeared in the issues of said paper on July 9, July 16, July 23, and July 30, all in the year 1969.

WALLACE MILLER.

Sworn to and subscribed before me July 30, 1969.

GLENDA J. POWELL,
Notary Public, Houston Co.

Also:

By Messrs. Stembridge and Crawford:

H. 1298. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to increase the compensation of the members of the jury commission in such counties; to repeal conflicting laws.

Also:

By Messrs. Crawford and Stembridge:

H. 1299. To amend further Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v. 2, p. 1210), as amended, in relation to the powers of housing authorities and municipalities to acquire planning funds for federal agencies.

Also:

By Messrs. Stembridge and Crawford:

H. 1300. To apply only in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, providing a county supplement to the per diem compensation of members of the county board of equalization and repealing conflicting laws.

Also:

By Mr. Williams:

H. 1301. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Also:

By Messrs. Manley and Pruitt:

H. 1314. To amend Section 1 of Act No. 179, Acts of Alabama 1965, page 250, relating to counties having a population of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds; to provide for actual expenses for travel outside the county on county business and to validate payments heretofore made for such travel.

Also:

By Mr. Young:

H. 1329. A bill further regulating the salaries of the members of the Tax Equalization Board, Board of Registration, and Jury Commission in Randolph County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF RANDOLPH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A Bill further regulating the salaries of the members of the Tax Equalization Board, Board of Registration, and Jury Commission in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the present salary, the members of the Tax Equalization Board, Board of Registration, and Jury Commission shall receive $5.00 per day from the country's General Fund or such funds as authorized by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. T. Bailey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Randolph Press, a newspaper of general circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

R. T. BAILEY.

Sworn to and subscribed before me July 31, 1969.

JOE T. BURNS,
Notary Public.

Also:

By Mr. Young:

H. 1330. Relating to Randolph County; regulating further the compensation, allowances, and duties of members of the Court of County Commissioners, Board of Revenue, or other like governing body of the county; repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF RANDOLPH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Randolph County; regulating further the compensation, allowances, and duties of members of the Court of County Commissioners, Board of Revenue, or other like governing body of the county; repealling conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Court of County Commissioners, Board of Revenue, or other like governing body of Randolph County, shall be paid an annual salary of $6,000.00 for their services in lieu of per diem pay or mileage. Such salary shall be paid in equal monthly installments from any funds in the county treasury available for such purpose. Each member shall be furnished a pickup truck by the county which he may use in and about the proper discharge of his duties in letting out, inspecting and accepting, building or repairing any of the county roads or bridges.

Section 2. The Court of County Commissioners, Board of Revenue, or other like governing body shall hold regular meetings twice monthly. Such meetings shall be held on the second and fourth Mondays of each month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect at the expiration of the terms of the incumbent commissioners.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. T. Bailey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Randolph Press, a newspaper of general circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the

State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

R. T. BAILEY.

Sworn to and subscribed before me July 31, 1969.

JOE T. BURNS,
Notary Public.

Also:

By Mr. Brassell:

H. 1332. To apply to all counties having populations of not less than 46,000 nor more than 46,500 according to the most recent federal decennial census and in which a special juvenile court has been established; to authorize the appointment of a probation officer to serve such court and to prescribe his qualifications, duties and authority; to authorize and direct the commissioner of the state department of pensions and security to pay a portion of said probation officer's salary out of certain funds available to said department under certain conditions and to provide that the remainder of his salary and all other expenses shall be paid on a pro rata basis by the governing bodies of the county and of the largest city therein of all counties to which this act applies.

Also:

By Mr. Harper:

H. 1337. To authorize the county governing body of Tallapoosa County to appropriate county funds for the relief of Houston Harper and M. L. McCoy to compensate said persons for certain damages and to pay a certain sum to the estate of Floyd Patterson as a just and moral obligation of the county for which there is no recourse at law.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county governing body of Tallapoosa County to appropriate county funds for the relief of Houston Harper and M. L. McCoy to compensate said persons for certain damages and to pay a certain sum to the Estate of Floyd Patterson as a just and moral obligation of the county for which there is no recourse at law.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners or other like governing body of Tallapoosa County is hereby authorized to pay from any funds in the county treasury not otherwise appropriated the following sums for the relief

of the following persons to compensate them for personal injuries sustained and for hospital and medical expenses incurred as a result of an accident while such persons were in the employ of the county and engaged in their regular duties, when a tractor owned by the county overturned and injured such persons: to Houston Harper, the sum of $1,500 and for the remainder of his life $75.00 per month; to M. L. McCoy, the sum of $1,500 and for the remainder of his life $75.00 per month; to the estate of Floyd Patterson, an employee of the county who died as a result of injuries sustained in the same accident, the sum of $1,500. The accident occurred under such circumstances that the county is justly and morally obligated to pay the damages, but the said Houston Harper and M. L. McCoy and the estate of Floyd Patterson have no recourse at law to recover the same.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher, of the Alexander City Outlook, published weekly at Alexander City, Ala., do solemnly swear that a copy of the notice, as per clipping attached, was published 4 times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 26, 1969, and ending with the issue dated July 17, 1969.

J. C. HENDERSON.

Subscribed and sworn before me this 17th day of July, 1969.

VONCILLE M. DEAN,
Notary Public.

My Commission expires January 18, 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1297, 1298, 1300, 1301, 1314, 1329, 1330, 1332 and 1337. To the Committee on Local Legislation No. 1.

H. B. 1299. To the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Neville:

H. 1276. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Also:

By Mr. Cook (Coffee)

H. 1280. To create the Inferior Court of Coffee County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Coffee County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COFFEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create the Inferior Court of Coffee County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Coffee County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

Be It Enacted by the Legislature of Alabama:

Section 1: There is hereby established the Inferior Court of Coffee County with jurisdiction coextensive with the county of criminal and civil matters as hereinafter provided.

Section 2: (a) Except as provided in subsection (b), the court shall have jurisdiction of civil actions at law in which the matter or sum in controversy does not exceed One Thousand Dollars ($1,000.00) and, in addition, shall have jurisdiction in all actions, causes, matters, proceedings and cases (including bastardly proceedings and actions for unlawful detainer and for the recovery of possession of land without limitation as to the value of the property involved), cognizable before a County Court, as provided in Chapter 6, Title 13, Code of Alabama, Juvenile Court and Justices of the Peace. It shall have authority to punish contempts by fine not exceeding $50.00, or a term in the County Jail not exceeding five days, or both. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and rules of the Supreme Court governing the practice and procedure of Inferior Courts.

(b) The court shall have and exercise preliminary jurisdiction in felony cases, but shall not have jurisdiction to try persons charged with felonies or actions of ejectment or of any matter proceeding cognizable only in equity; provided, that nothing herein shall be construed to limit or restrict the court in the exercise of the jurisdiction of the Juvenile Court.

(c) No criminal prosecution shall be commenced in such court except by warrant upon sworn complaint issued by the clerk or his deputy or a magistrate (including a Justice of the Peace), the deputy District Attorney, or public official of Coffee County authorized to issue warrants of arrest.

(d) The provisions of Chapter 7 of Title 13 of the Code of Alabama as the same may from time to time be amended, shall apply in all matters in which the court exercises the jurisdiction of the Juvenile Court.

(e) Appeals may be taken from final judgments or final orders of the court as follows: In criminal cases the appeal lies to the Circuit Court of Coffee County and shall be governed by the provisions of Section 349 of Title 13, Code of Alabama. An appeal from judgments or orders made by the court in the exercise of jurisdiction of the Juvenile Court lies to the Circuit Court of Coffee County and shall be governed by the provisions of Sections 362, 371 and 372 of Title 13, and Sections 95, 96 and 97 of Title 34, Code of Alabama. In civil cases the appeal lies to the Circuit Court of Coffee County, and shall be governed by the provisions of Article 6 of Chapter 8, Title 13, Code of Alabama, In all appeals to the Circuit Court trial shall be de novo.

(f) The Juvenile Court of Coffee County is abolished. All criminal and quasi criminal jurisdiction of Justices of the Peace in Coffee County is abolished except jurisdiction to issue search warrants and warrants of arrest returnable to the Inferior Court of Coffee County.

(g) In any civil action pending in the Inferior Court of Coffee County, if the defendant files a plea of set off or recoupment claiming an amount in excess of $1,000.00 or otherwise asserting a cause of action not within the jurisdiction of the court, the judge shall enter an order transferring the case to the Circuit Court of Coffee County where the same shall proceed as if originally commenced therein.

(h) The Inferior Court of Coffee County shall be a court not of record and the judge shall not be prohibited from engaging in the practice of law.

Section 3: (a) The Judge of the Inferior Court of Coffee County shall be appointed by the Court of County Commissioners, or other governing body of Coffee County, to hold office until September 30, 1970; his successors shall be appointed for terms of four years each beginning October 1, 1970 and every four years there-after, by resolution of the Court of County Commissioners, or other governing body of Coffee County, not less than thirty nor more than sixty days prior to the expiration of the term of the incumbent judge; provided, however, that said judge shall be appointed by the Court of County Commissioners, or other governing body of Coffee County, from a list of not less than two or more than three eligibles submitted to them by the Coffee County Bar Association, if there be such, and should there not be such, by the attorneys in said county admitted to practice law before the Supreme Court of the State of Alabama, in meeting assembled at which more than one-half of said attorneys are present. No person shall be eligible to appointment as Judge of the Inferior Court of Coffee County who is not learned in the law and a qualified elector of Coffee County. The judge, shall before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution. Any vacancy occurring in the office of judge shall be filled by appointment of the Court of County Commissioners or other governing body of Coffee County, from a list of eligibles as provided hereinabove, such appointment to be for the unexpired term. Provided however, that should the Court of County Commissioners or other governing body of Coffee County fail to appoint a judge within twenty days of the expiration of a term or within twenty days of a vacancy the governor of Alabama shall make the appointment from the list of eligibles, as set out above.

Section 4: (a) The judge shall have authority to: (1) grant writs of haveas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the judges of Circuit Courts at law: (2) administer oaths and take acknowledgements; (3) issue search warrants; (4) exercise, within the limits of the jurisdiction conferred by this Act, such other powers and authority as may now or hereafter be conferred by law upon judges of courts of like jurisdiction.

(b) The judge shall be provided, at the expense of the County, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court.

(c) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the Code of Alabama.

(d) The judge shall receive an annual salary of Six Thousand Dollars, ($6,000.00), payable out of the general fund of the county in equal monthly installments.

Section 5: (a) The court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Friday in each month at the Court House in the Enterprise Division of Coffee County, and on the third Friday in each month at the Court House in the Elba Division of Coffee County, for the trial of criminal cases and civil actions at law. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge shall be available at all times to receive guilty pleas, assess fines and enter such orders and judgments as may be appropriate.

(b) The sheriff shall attend the regular criminal sessions of the court in person or by deputy and shall attend other sessions when requested by the judge and shall receive the same compensation therefor for which he is now allowed for attending session of the Circuit Court. He shall promptly execute all writs and processes of the court and perform such duties as may be directed by the judge.

Section 6: In civil actions at law, the defendant shall be required to appear and plead, answer or demur, within twenty days from the service of process.

Section 7: All cases in the Inferior Court of Coffee County shall be tried and all issues of fact decided by the judge without the intervention of a jury.

Section 8: In civil actions at law it shall be the duty of the clerk to tax, collect and remit the same costs and fees of the sheriff and witnesses and other court costs, as now or hereafter allowed by law to be taxed and collected in such actions in the Circuit Court, except that there shall be taxed as clerk's fees the sum of $8.00 in each case; provided however, for issuances of writs of garnishment before or after judgment the clerk's fees shall be the same as now or hereafter provided in the Circuit Court, in addition to the $8.00 fee provided herein. In all criminal cases the same fees for the services of the clerk, sheriff, solicitor and witnesses and other court costs, as now or hereafter allowed by the law to be taxed and collected in such cases in the Circuit Court, together with a trial tax in the amount of $4.00 for each civil action or criminal case for the use of Coffee County, and $1.00 library fee which shall be remitted to the Court of County Commissioners or other governing body of Coffee County to be used and dispersed under the provisions

of Act Number 24, Acts of Alabama, First Special Sessions, 1956, page 48; provided however, that in criminal cases involving violations of the rules of the road or statutes governing the operation of vehicles on public highways or game and fish laws, the Clerk shall receive in lieu of all other fees the sum of $3.00 plus commissions, and in such case, where the defendant pleads guilty, no solicitors fees and no trial tax other than fair trial tax shall be taxed or collected.

Section 9: (a) The fees of the Clerk and of the Sheriff, in amounts provided herein, in criminal cases, if the State fails to convict or if the State fails to pay, or where a nolle prosequi is ordered, or where the case is abated by the death of the defendant, or where execution is returned "no property found" shall be paid by the County as in Circuit Court. The Clerk shall be entitled to commissions of five percent on all money remitted to the State or the county.

(b) The Clerk shall retain his own fees and the fees of the Sheriff and witnesses and shall pay them to the parties entitled thereto as in Circuit Court. All other items of costs shall be remitted to the general fund of the county unless otherwise provided by State law or this act; provided, however, all solicitors fees collected shall be remitted to the general fund of the County.

Section 10: The County Solicitor or Deputy District Attorney shall prosecute for the State all criminal cases commenced in said court.

Section 11: The party in whose favor judgment is rendered shall have all the rights, remedies and privileges with respect to the registration and enforcement thereof as provided by law with respect to judgments rendered by the Circuit Court.

Section 12: (a) The Clerk of the Circuit Court of Coffee County shall be ex officio clerk and each Deputy Clerk of the Circuit Court of Coffee County shall be ex officio a deputy clerk of the Inferior Court of Coffee County. The clerk shall have authority to requisition at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk to keep all the books, papers, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, summonses, subpoenas, writs, executions, commitments, and releases; (3) to approve bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals; (6) to issue certificates of judgment, and (7) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the Circuit Courts.

(d) The Clerk shall attend all sessions of the court in person or by deputy.

Section 13: All cases and actions pending in the Juvenile Court of Coffee County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. The Infereior Court of Coffee County shall have the same jurisdiction to enforce judgments heretofore rendered by the Juvenile Court of Coffee County and all judg-

ments in criminal cases heretofore rendered by Justices of the Peace in Coffee County in all respects as though the judgments had been rendered by it. This act shall not apply to nor affect any criminal or quasi criminal case pending in any Justice of the Peace Court of the county on the effective date hereof.

Section 14: The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 15: All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 16: This act shall take affect on the first day of the month next following the date of its enactment.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared Ferrin Cox, who states on oath that he is the Managing Editor of THE ELBA CLIPPER, a newspaper published weekly at Elba Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of four consecutive weeks on the following dates, to-wit: June 19, June 26, July 3, and July 10, 1969.

FERRIN COX.

Sworn to and subscribed before me on this the 5th day of August, 1969.

DONALD R. KELLEY,
Notary Public.
4–28–71

Also:

By Mr. Cook (Coffee):

H. 1281. To create a Deputy District Attorney for Coffee County, and to provide for his duties, selection and compensation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COFFEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create a Deputy District Attorney for Coffee County, and to provide for his duties, selection and compensation.

Be It Enacted by the Legislature of Alabama.:

Section 1: The office of Deputy District Attorney of Coffee County, Alabama, is hereby created. The Deputy District Attorney provided for herein shall be appointed and serve at the pleasure of the District Attorney of the 12th Judicial Circuit, or such other Judicial Circuit or District as Coffee County may hereafter be a part.

Section 2: The Deputy District Attorney shall be learned in the law and a resident of Coffee County, Alabama, and shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy or County Solicitors, and by the District Attorney appointing same.

Section 3: The salary of the Deputy District Attorney shall be the sum of $3,600.00 per annum, payable out of the General Fund of Coffee County in equal monthly installments.

Section 4: All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 5: This act shall take affect on the first day of the month next following the date of its inactment.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared Ferrin Cox, who states on oath that he is the Managing Editor of The Elba Clipper, a newspaper published weekly at Elba, Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of four consecutive weeks on the following dates, to-wit: June 19, June 26, July 3 and July 10, 1969.

FERRIN COX.

Sworn to and subscribed before me on this the 5th day of August, 1969.

DONALD R. KELLEY,
Notary Public.
4-28-71

Also:

By Mr. Cook (Coffee):

H. 1282. Relating to Coffee County; to provide further for the distribution of fines and forfeitures in certain cases.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COFFEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coffee County; to provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1: One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction, other than municipal courts, within Coffee County of violations of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid to the general fund of Coffee County and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2: All laws or parts of laws which conlfict with this Act are, to the extent of such conflict repealed.

Section 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COFFEE COUNTY

Before me, a Notary Public in and for said State and County, personally appeared A. Ferrin Cox, who states on oath that he is the Managing Editor of The Elba Clipper, a newspaper published weekly at Elba, Ala., in said County and State, and that the Notice hereto attached was published in said newspaper for a period of four consecutive weeks on the following dates, to-wit: June 19, June 26, July 3 and July 10, 1969.

FERRIN COX.

Sworn to and subscrbed before me on this the 5th day of August, 1969.

DONALD R. KELLEY,
Notary Public.
4–28–71

Also:

By Messrs. Foshee and Jackson (F):

H. 1286. Relating to counties having populations of not less than 35,100 nor more than 36,100; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at

each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials.

Also:

By Messrs. Foshee and Jackson (F):

H. 1287. To alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Covington County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

TO WHOM IT MAY CONCERN

Notice is hereby given that at the present session of the Legislature Alabama a Local Bill will be introduced for passage relating to an Act to alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Covington County, Alabama, which Local Bill will be, in substance, as follows:

Be It Enacted by the Legislature of Alabama:

SECTION 1: That the boundary lines of the City of Opp, Covington County, Alabama, be and the same are hereby altered or rearranged so as to include within the corporate limits of the City of Opp all territory now within such corporate limits and also certain other territory in Covington County, Alabama, all of which other territory lying and being in Covington County, Alabama is more particularly described as follows:

E½ of SE¼ Section 36, Township 4 North, Range 17 East; SE¼ of SE¼ Section 19, Township 4 North, Range 17 East; all of NE¼ of NW¼ Section 32, Township 4 North, Range 18 East lying South of Alley between Cummings Street and Rosalie Avenue; S½ of SW¼ Section 20, Township 4 North, Range 18 East; S½ of SE¼ Section 20, Township 4 North, Range 18 East; NE¼ of SE¼ Section 20, Township 4, North, Range 18 East; E½ of NE¼ Section 20, Township 4 North, Range 18 East; S½ of SW¼, Section 16, Township 4 North, Range 18 East; S½ of SE¼ Section 16, Township 4 North, Range 18 East; SW¼ of SE¼ Section 21, Township 4 North, Range 18 East; S½ of SW¼ Section 15, Township 4 North, Range 18 East; S½ of SE¼ Section 15, Township 4 North, Range 18 East; SW¼ of SW¼, Section 14, Township 4 North, Range 18 East; NE¼ of Section 22, Township 4 North, Range 18 East; N½ of SE¼ Section 22, Township 4 North, Range 18 East; All of SW¼ of SE¼ Section 22, Township 4 North, Range 18 East lying North of South Right of Way of the Cool Springs Road; SE¼ of SE¼ Section 22, Township 4 North, Range 18 East; W½ of NW¼ Section 23, Township 4 North, Range 18 East; W½ of SW¼ Section 23, Township 4 North, Range 18 East; East½ of NE¼ Section 27, Township 4 North, Range 18 East; E½ of NE¼ of SE¼ Section 27, Township 4 North, Range 18 East; All of SE¼ of SE¼ Section 27, Township 4 North, Range 18 East lying South of the North Right of Way of the Perry Store Road; W½ of

NW¼ Section 26, Township 4 North, Range 18 East; NE¼ of Section 34, Township 4 North, Range 18 East; SE¼ of Section 34, Township 4 North, Range 18 East; W½ of NW¼ Section 35, Township 4 North, Range 18 East; W½ of SW¼ Section 35, Township 4 North, Range 18 East; NW¼ of Section 2, Township 3 North, Range 18 East; N½ of SW¼, Section 2, Township 3 North, Range 18 East; NE¼ of Section 3, Township 3, North, Range 18 East; SE¼ of Section 3, Township 3 North, Range 18 East; SW¼ of Section 3, Township 3 North, Range 18 East; SE¼ of NW¼, Section 3, Township 3 North, Range 18 East; SE¼ of Section 4, Township 3 North, Range 18 East; SW¼ of Section 4, Township 3 North, Range 18 East; W½ of SW¼ Section 26, Township 4 North, Range 18 East.

SECTION 2: This Act shall take effect on its passage and approval by the Governor or otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COVINGTON COUNTY

Before me, the undersigned authority, personally appeared Robert D. Burgess, who, being duly sworn deposes and says that he is the Editor of The Opp News, a newspaper of general circulation published at Opp in Covington County, Alabama; that said newspaper has been mailed under the second class mailing privileges of the United States Post office dated from the Post Office at Opp, Alabama, for 52 consecutive weeks and more prior to July 3, 1969; that the notice of Local Bill attached hereto has been published in said newspaper for four consecutive weeks in the weekly issues of said newspaper of the dates of July 3, 10, 17, 24, 1969.

ROBERT D. BURGESS,

Sworn to and subscribed before me this 31st day of July 1, 1969.

NAN SCOFIELD,
Notary Public, Covington County, Alabama.

Also:

By Messrs. Beck and Meade:

H. 1292. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Also:

By Messrs. Beck and Meade:

H. 1293. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Also:

By Messrs. Beck and Meade:

H. 1294. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial

census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

Also:

By Mr. Mays:

H. 1295. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1276, 1280, 1281, 1282, 1286, 1287, 1292, 1293, 1294 and 1295. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Young:

H. 1331. Relating to Randolph County; regulating further the number of Deputy Sheriffs for Randolph County and the salaries to be paid to said Deputies.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF RANDOLPH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Randolph County; regulating further the number of Deputy Sheriffs for Randolph County and the salaries to be paid to said Deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Randolph County is hereby authorized to employ three Deputies, and a Jailor. Each Deputy and Jailor shall receive a salary to be fixed by the county governing body up to a maximum of $400.00

per month and the Chief Deputy shall receive a salary to be fixed by the county governing body up to a maximum of $500.00 per month. The salary of the Chief Deputy, Jailor and each Deputy shall be paid from the General Fund of the county or such funds as authorized by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. T. Bailey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Randolph Press, a newspaper of general circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24 and July 31, all in the year 1969.

R. T. BAILEY.

Sworn to and subscribed before me July 31, 1969.

JOE T. BURNS,
Notary Public.

Also:

By Mr. Dobbs:

H. 1339. Relating to counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census; to provide for the compensation of the clerk of the intermediate court if there is such a court in such counties; to repeal conflicting laws.

Also:

By Messrs. Crawford and Stembridge:

H. 1340. Relating to counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census; and providing for an expense allowance for the superintendent of education in such counties.

Also:

By Messrs. Jones, Pennington, Laxson, Grainger and McLain:

H. 1310. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end,

(a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill in substantially the following form will be introduced in the Legislature of the State of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To make further provisions respecting distribution to municipalities in Madison County, under Act. No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act. No. 708, 1967 Regular Session. Section 7 of Act No. 708 adopted at the 1967 Regular session of the Legislature of Alabama, which provides for public highways, streets and bridges in Madison County, Alabama, and contains, inter alia, provisions for the distribution among the said county and the municipalities therein of those portions that are allocated to the said county by Act No. 224, 1967 Special Session, of the net proceeds from that certain excise tax, referred to in the said Act No. 708 as (and herein called) the "highway gasoline tax," and consisting of (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Section 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel, is hereby amended so that the said Section 7 shall read as follows:

Section 7. Use of Tax Proceeds Distributed Under This Act. All tax proceeds paid to the county pursuant to the provisions of this act shall be used by the county only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges, as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the proceeds from the highway gasoline tax were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act. No. 838 adopted at the 1953 Regular Session of the Legislature; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

All tax proceeds paid to any municipality pursuant to the provisions of this act shall be used by such municipality only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets, and other public ways including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the said proceeds were or may be lawfully pledged; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

When requested so to do by any municipality in the county, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this act. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 2. Disposition of Unexpended Highway Gasoline Tax Proceeds Allocated to Municipalities Under Act No. 708 Prior to the Effective Date of This Act. The state treasurer shall, within thirty days after the effective date of this act, pay over and distribute to or on the order of each municipality in the county all moneys which shall have been theretofore allocated to that municipality under the said Act. No. 708 and which shall not have been theretofore paid to that municipality; provided, however, that if the state highway department shall within five days after the effective date of this act file with the state treasurer a certificate signed by the Highway Director with respect to any such municipality (a) stating (i) that on the effective date of this act there was an outstanding contract between the said municipality and the state highway department whereunder the said municipality agreed to pay to the said department as compensation for engineering services of the said department in either preparation of plans or supervision of construction work, or both, or as compensation for construction work performed by the said department (or as compensation for both such engineering services and such performance of construction work), any portion of the moneys that might be allocated to that municipality under the said Act. No. 708, (ii) that any such engineering services or construction work have been theretofore actually performed by the said department, (iii) that the amount of the compensation provided for in the said contract does not exceed the reasonable value of the services or work so performed, and (iv) that all or part of the said compensation then remains unpaid, (b) setting forth the amount of the said compensation that then remains unpaid and (c) directing the State Treasurer to pay the said unpaid compensation to the state highway department, out of the aforesaid moneys allocated to the said municipality under the said Act. No. 708 prior to the effective date of this act; then the State Treasurer shall within the said thirty-day period (1) pay to the state highway department, out of the moneys allocated to the said municipality under the said Act. No. 708 prior to the effective date of this act, the amount stated in the said certificate pursuant to the foregoing clause (b) of this section and (2) pay to or on the order of the said municipality the residue of the moneys allocated as aforesaid to such municipality under the said Act No. 708 prior to the effective date of this act.

None of the provisions of this section shall be deemed to prevent the state highway department and any municipality in the county from entering into any arrangement mutually agreeable to them for payment of any compensation to the state highway department that the municipality may have

agreed to make in any contract entered into prior to the effective date of this act. The state highway department and any such municipality are hereby specifically authorized to enter into any such other arrangement and in the event mutually satisfactory arrangements for payment of any such compensation are made between the said department and any such municipality, the department shall not file the certificate hereinabove provided for with respect to that municipality.

Section 3. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 4. Effective Date. This act shall become effective on the first day of the second month following its being signed by the Governor or otherwise becoming law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 19, 24, 30 and August 4, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 4th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

Also:

By Messrs. McElhaney, Hobbie, Springer, Cameron and Harris:

H. 1328. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; to exempt art guilds and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain prescribed conditions; to repeal conflicting laws.

Also:

By Messrs. Dill, Bowers, Weeks, Meeks, Gloor, Yeilding, Sessions, Holman, Cook (Jefferson), Money and Ellis:

H. 1303. To authorize and regulate cooperation in counties having populations of 600,000 or more, according to the most recent federal decennial census, among and between the county, municipalities, other governmental subdivisions and public corporations therein, the state and the federal government on a basis of mutual advantage in order better to provide services and facilities to fill the needs of the inhabitants thereof and promote the full development of area.

Also:

By Messrs. Cook (Jefferson), Meeks, House, Yeilding, Waggoner, Sessions, Dill, Money, Adwell, Weeks and Ellis:

H. 1304. To provide in all counties having a population of not less than 600,000 inhabitants according to the last or any subsequent federal census a special indexing fee of $1.00 which fee is in addition to all existing recording fees and charges on each document or instrument hereafter filed and indexed for record in the office of the Judge of Probate of any such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1331, 1339, 1340, 1310 and 1328. To the Committee on Local Legislation No. 1.

H. B.'s 1303 and 1304. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill and Haygood:

H. 927. To regulate further the preparation and publication of the list of qualified electors in Lauderdale County in even numbered years; providing for the posting of such lists in lieu of their publication in a newspaper; relieving the judge of probate of the duty of publishing such list; and authorizing him, in his discretion, to publish a brief notice relative to such lists.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate further the preparation and publication of the list of qualified electors in Lauderdale County in even numbered years; providing for the posting of such lists in lieu of their publication in a newspaper; relieving the judge of probate of the duty of publishing such list; and authorizing him, in his discretion, to publish a brief notice relative to such lists.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lauderdale County the list of qualified electors who will be entitled to vote in any elections held in such county for the ensuing year, prepared in even numbered years as directed in Code of Alabama 1940, Title 17, Section 38, need not be published in a newspaper on or before the fifteenth day of April in such even numbered years; nor shall the list of names added thereto during the ten days after publication of such list be published in a newspaper. In lieu of publishing in a newspaper such lists shall be published by posting as hereinafter prescribed. On or before the fifteenth day of April in every even numbered year the judge of probate shall post a certified copy of the list of qualified electors, prepared as directed in said Section 38, in a conspicuous place in the courthouse, and he shall also post a copy thereof in the municipal building of each municipality in the county, or if there is no municipal building in a municipality then at the post office. Attached to each list so posted shall be a notice that any duly registered voter whose name has been inadvertently or through mistake omitted from such list and who is legally entitled to vote shall have ten days from the date of posting of such notice to have his or her name entered upon said list. In lieu of publishing in a newspaper the list of names added during this ten days, as required in said Section 38, the list of names so added shall be posted, by the judge of proabte, in the same places that the original lists of qualified electors for the ensuing year were posted.

The judge of probate of Lauderdale County may, in his discretion, publish a notice in a newspaper of general circulation in the county stating that the list of qualified electors has been prepared and posted. Such notice shall also inform any duly registered voter whose name has been inadvertently or through mistake omitted therefrom and who is legally entitled to vote, that he or she has ten days in which to have his or her name added to such list.

Except as hereinabove provided the judge of probate of Lauderdale County shall do and perform all the duties required of him by Code of Alabama 1940, Title 17, Section 38. He is, however, specifically relieved of the duties of publishing the above mentioned lists in a newspaper.

The list of qualified electors published as in this Act provided shall in all matters have the same status, force and effect as such lists when they are published as required in said Section 38.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act will bring an additional $5,763.27 into the County General Fund annually.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard N. Hammell, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Florence Times-Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1969.

RICHARD N. HAMMELL.

Sworn to and subscribed before me July 7, 1969.

R. M. HILL, JR.
Notary Public,
State at Large.

Also:

By Messrs. Meade and Beck:

H. 1071. Authorizing the county governing body of Cherokee County, Alabama, to levy and collect a 1¢ gasoline tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the County Governing Body of Cherokee County, Alabama, to levy and collect a 1¢ gasoline tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows:

Be It Enacted by the Legislature of Alabama:

Section I. The term "gasoline" as used in this Act shall include gasoline naptha, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, copartnership, company, agency or association singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in Cherokee County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Cherokee County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into Cherokee County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section II. The governing body of Cherokee County, Alabama may impose an excise tax of not exceeding 1¢ per gallon on persons, corporations,

copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in Cherokee County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay an excise tax of 1¢ per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in Cherokee County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in interstate commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by the distributor or by a retail dealer or storer, such payment shall be sufficient, the intention being that this tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein imposed shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or in the business of selling, distributing, storing or withdrawing from storage for any purpose gasoline as herein defined by the State of Alabama or any other agency or subdivision of the State of Alabama except the governing body of said County shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the County governing agencies, municipalities and boards of education.

Section III. On or before the 20th day of each month after the passage of this Act, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceeding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section IV. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline made in Cherokee County taxed under this Act.

Section V. Within thirty days after any tax whall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in Cherokee County shall make a report on blanks furnished under Section II hereof to the governing body of said County, showing the place and postoffice address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one address to another, such

distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal giving the former place and postoffice address and also the place and postoffice address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section VI. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act, or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, upon conviction thereof shall be fined not less than $50.00 nor more than $300.00 for each offense.

Section VII. It shall be the duty of the governing body of said County to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members, or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any rules and regulations necessary and proper for the collection of such tax.

Section VIII. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25 per cent, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed by any sheriff to the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for, shall be held as a debt payable to the County of Cherokee by the person against whom the same shall have been imposed or against whom the penalties shall have been accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section IX. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due, however, the amount actually paid shall constitute a credit against the amount actually due.

Section X. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulations promulgated hereunder, may be restrained and proper prosecution instituted in the same of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing, or withdrawing from storage any gasoline, the sale or withdrawal of which is taxable until such person shall have complied with the provisions of this Act.

Section XI. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in Cherokee County shall report to the governing body of said County on the first day of October, January, April and July of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Cherokee County, Alabama, during the preceeding three months, giving the name and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment. Provided, however, no person, firm, corporation, dealer or distributor shall be liable for the excise tax imposed by this Act, upon gasoline stored or withdrawn from storage in Cherokee County for sale and delivery outside the boundaries of said County.

Section XII. Except as herein otherwise provided, the proceeds of any taxes imposed under authority of this Act shall be paid into the road, bridge and public building fund of Cherokee County, Alabama, and same shall continue to be received, maintained and expended subject to control and direction of the Governing Body of Cherokee County, Alabama, in the manner authorized by law.

Section XIII. Upon the request of the governing body of such County the State Tax Commission of Alabama, with the approval of the Governor, may collect the tax imposed under this Act for and on behalf of Cherokee County; and in that event it is given all the power, jurisdiction, authority, and privileges granted to the governing body of Cherokee County hereunder, and all reports, payments and information required to be made, paid or given to the governing body of such county, shall be made, paid or given to the State Tax Commission under the penalties and subject to the prosecution prescribed herein. This section being for the benefit of the County, the State Tax Commission, and the State of Alabama, shall be chargeable only with the tax actually collected by it. The State Tax Commission, upon the collection of such tax, shall, within five days, remit the same to the governing body of Cherokee County.

Section XIV. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section XV. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Lois Flemming a Notary Public in and for said county in said state personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Notice of bill to be entitled an act as published in said newspaper once a week for four consecutive weeks, June 4, June 11, June 18, and June 25, 1969, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said

city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 25th day of June, 1969.

LOIS FLEMMING,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1204. Relating to counties having populations of not less than 46,500 nor more than 48,000 to provide protection to recipients of old age assistance; requiring such recipients to receive counseling before entering into certain financial agreements.

Also:

By Messrs. Owen (Baldwin) and Brannan:

H. 1262. To provide for the supplemental compensation of the court reporter of the circuit court of any county having a population of not less than 48,500 nor more than 49,500, according to the last or any subsequent federal decennial census; to repeal conflicting general, local or special laws.

Also:

By Messrs. Owen (Baldwin) and Brannan:

H. 1264. Relating to Baldwin County, prescribing the compensation of the Chief Deputy Sheriff.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County, prescribing the compensation of the Chief Deputy Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the chief deputy sheriff of Baldwin County shall be not less than $5400.00 and not more than $7800.00 per annum. The exact amount of the salary of the chief deputy shall be set by the county commissioners or other like governing body of the county. Such salaries shall be paid in equal monthly installments from the general fund of the county.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

J. H. FAULKNER, JR.

Sworn to and subscribed before me July 31, 1969.

DOROTHY MARTIN,
Notary Public.

Also:

By Mr. Owen (Baldwin):

H. 1266. Relating to Baldwin County; authorizing the county commissioners of such county to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid; to prescribe their method of appointment and fix their duties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; authorizing the county commissioners of such county to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid; to prescribe their method of appointment and fix their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Baldwin County, or any like governing body of said county shall pay the salaries of six deputy sheriffs. Such deputies shall be in addition to the chief deputy sheriff.

Section 2. The governing body is hereby authorized and empowered to pay the salaries of deputy sheriffs in addition to those in Section 1.

Section 3. The deputies shall receive a salary of not less than $4800.00 and not more than $6600.00 per annum, to be paid in equal monthly installments and may be paid in whole or in part from the general fund, and fine

forfeiture fund or the county public highway and traffic fund as the governing body shall direct. The salaries shall be set by the governing body at their discretion, not to exceed the maximum designated herein.

Section 4. The sheriff shall appoint the additional deputies as provided for in this Act and they shall serve at his pleasure.

Section 5. It shall be the duty of said deputies to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties of the sheriff as the sheriff shall direct, but their essential duties shall be to enforce said state traffic and vehicle laws as aforestated.

Section 6. If any sentence, clause, provision or section of this Act shall be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions thereof.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

J. H. FAULKNER, JR.

Sworn to and subscribed before me July 31, 1969.

DOROTHY MARTIN,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 927, 1071, 1204, 1262, 1264 and 1266. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Waggoner, Kilgore, Weeks, Stubbs, Shumate, Starnes, Wood, Ellis and Hill:

H. 749. To prohibit the discharge of litter and sewage and certain other materials from a watercraft into the waters of this State; to prohibit discharge of untreated sewage from marine toilets; to require treatment of sewage discharged by marine toilets; to authorize the State Board of Health to adopt rules and regulations for discharge of sewage and litter from watercraft, including requirements for permits to restrict manufacturers of marine toilets and deivces to comply with regulations; to authorize revocation of certification of watercraft after certain convictions; to require litter or trash receptacles for marinas; to provide for enforcement by the Board of Health and Department of Conservation; to prescribe the method of prosecution and penalties for violation of this Act and rules and regulations; to require fines to be paid into the General Fund and to provide for expenditures of funds for carrying out this Act from Federal Funds or other funds available to the Board of Health or state.

Also:

By Messrs. Berryman (R), Grainger, Graham, Doss, Tuck, Wood, Laxson and Jackson (T):

H. 825. To prohibit any person, firm or corporation from operating or conducting any motor vehicle race or exhibitions on any permanent racetrack or other place where races or exhibitions are held unless there shall first be obtained a license as set forth herein; to provide certain requirements for licensing; to provide for fees; to authorize the Director of the Department of Public Safety to grant, revoke or suspend any such licenses; to provide penalties for violation of this Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 749. To the Committee on Forestry and Conservation.

H. B. 825. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 638. To amend further Act No. 355, H. 757, Regular Session 1953, (Acts 1953, p. 423), which relates to the office of sheriff of Limestone County so as to delete from said act the requirement that the county furnish the sheriff a house in which to reside during his term of office.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 538. Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the members of the county governing body.

Also:

S. 539. Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the chairman of the county governing body.

Also:

S. 544. To fix expense allowances of Courts of County Commissioners, Boards of Revenue or like governing bodies of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 311. To make an appropriation to the Department of Agriculture and Industries for the two fiscal years ending September 30, 1970 and September 30, 1971, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 44. To regulate the establishment and operation of separate accounts by life insurance companies incorporated under the laws of this State in connection with certain individual and group contracts providing benefits payable in fixed or in variable dollar amounts, or in both.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 682. To create and establish in Limestone County in lieu of the existing court created by Act No. 199, H. 603, Regular Session 1947 (Local Acts 1947, p. 113) and amendments thereto, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and equity to be known as the Limestone County Superior Court; to provide for its procedure, costs and fees; to provide for its officers, their duties, power and compensation, and to provide for the transfer of cases.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 475. To amend Sections 3.01, 3.02, 3.09 and 4.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1028. Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 695. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County and making a

change in the purposes for which may be levied and distributed the special tax authorized by the amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dill, Weeks, Meeks, Gloor, Yeilding, Sessions, Holman, Bowers, Cook (Jefferson), Waggoner and House:

H. 1305. Authorizing any municipality of the state having a population of 300,000 inhabitants or more according to the last or any subsequent federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance, and creating a lien upon the property where such nuisance exists for the cost of abating the same.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1305. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fine, Tuck and Mays:

H. 1127. To make an appropriation to the Alabama Educational Television Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1127. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bank, Weeks, Culver, Edington, Lyons, Merrill, Lybrand, Cook (Jefferson), Marr, Bowers and Waggoner:

H. 424. To provide for and regulate the payment from the general fund in the state treasury of a bonus to certain prisoners of war who were captured while serving within a prescribed period in the Armed Forces when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not; and to provide for the administration of this act by the State Department of Veterans' Affairs.

Also:

By Messrs. Bank, Weeks, Culver, Edington, Lyons, Merrill, Lybrand, Cook (Jefferson), Marr, Bowers and Waggoner:

H. 422. To authorize and provide for the payment out of the general fund in the state treasury of a gratuity to the next of kin of certain persons who have died or who hereafter die while in the active service of the Armed Forces of the United States during a prescribed period when the United States was, is or shall be engaged in hostilities with a foreign state, whether as a result of a declared war or not; and to provide for the administration of this act by the state department of veterans' affairs.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 424 and 422. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Graham:

H. 35. Relating to counties having populations of not less than 46,500 nor more than 48,000; to authorize certain cities within such counties to consolidate; to prescribe the method of consolidation; to provide that the city created from such consolidation shall succeed to the powers, obligations, duties and rights of cities consolidated therein; to provide for a referendum election to determine if this act shall become effective.

Also:

By Messrs. Hobbie, Cameron, Harris, Foshee, Springer, Melton, Headley, McElhaney, McCorquodale, Jackson (F), Harper, Lemley, Owen (Baldwin), Williams, Slate, Owens (W), Turnham, Paulk, Ellis, Kilgore, Culver, Money, Burgess, Brown and Grayson:

H. 975. Providing further for payment of the salaries of state officers and employees, amending Section 148, Title 41, Code 1940.

Also:

By Mr. Neville:

H. 1268. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an additional deputy circuit clerk for such counties; and repealing conflicting laws.

Also:

By Mr. Neville:

H. 1267. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; and providing an expense allowance for the probate judge of such counties.

Also:

By Mr. Neville:

H. 1269. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax collector of such counties; and repealing conflicting laws.

Also:

By Mr. Neville:

H. 1270. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax assessor of such counties; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 35, 1268, 1267, 1269 and 1270. To the Committee on Local Legislation No. 1.

H. B. 975. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Weeks, Drake, Cook (Coffee), Culver, Blanton and Pearson:

H. 82. To name and designate the Alabama River bridge on Interstate Highway 65 at Montgomery the "American Legion Memorial Bridge."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 82. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 201. To regulate the business of buying and selling livestock by requiring persons engaged in such business to be licensed and bonded; prescribing the method for determining the amount of said bond; authorizing the Commissioner of Agriculture and Industries to promulgate rules and regulations to effectuate this act, and providing a penalty for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Branyon, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 201, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 201

Senate Bill No. 201 is hereby amended as follows:

Amend subsection (a) of Section 4 of said bill by striking out all of said subsection and insert in lieu thereof the following:

"Section 4. (a) No license as required hereunder shall be issued or renewed until the applicant therefor shall make, execute and thereafter maintain on file with the Commissioner a bond or a bond equivalent as hereinafter provided in favor of the State of Alabama or a trustee to be approved by the Commissioner to secure the performance of obligations incurred in the State of Alabama and the payment thereof to persons from whom such

dealer purchases livestock. Except as hereinafter otherwise provided, the amount of each bond shall be not less than the next multiple of Two Thousand Dollars ($2,000.00) above the average amount of purchases of livestock purchased either as a dealer or on an agency basis in Alabama during a period equivalent to two business days based on the total number of business days, and the total amount of such transactions during the preceeding twelve (12) months or in such substantial part thereof in which applicant did business. For the purpose of this computation 260 shall be deemed the number of business days in any year. Provided, that bonds above $26,000.00 shall be not less than the next multiple of $5,000.00 above the average amount of livestock purchased either as a dealer or on an agency basis in Alabama, computed as set out above. When the amount of a bond, calculated as herein required, exceeds Fifty Thousand Dollars ($50,000.00), the amount of the bond shall not exceed Fifty Thousand Dollars ($50,000.00) plus 10% of the excess, unless the Commissioner has reason to believe that a bond in such amount is inadequate because of the volume of business conducted on a seasonal or otherwise irregular basis in which event the Commissioner shall determine and specify the amount of the bond to be required."

Also, amend said Bill by amending subsection (d) of Section 4 thereof by striking out the words and figures "thirty (30) days" where said words and figures appear in the last sentence of subsection (d) and insert in lieu thereof the following words and figures "fifteen (15) days".

Also, amend said Bill by striking out all of Section 5 thereof and substitute therefor the following:

"Section 5. The Commissioner is hereby authorized to accept a bond made by any dealer pursuant to the bonding requirements of the United States Packers and Stockyards Act, 1921, as amended, and any dealer presenting such a bond shall be deemed to have complied with the bonding provisions of Section 4 of this Act, provided the amount of such bond equals or is greater than the amount required in said Section 4. If the amount of such bond does not satisfy the requirements of said Section 4, such bond shall be increased to such amount as will satisfy the requirements of said Section, prior to issuance of a license to such dealer. Any dealer not required to file and maintain a bond or a bond equivalent pursuant to requirements of the United States Packers and Stockyards Act, 1921, as amended, shall be required to file and maintain a bond for the amount as set forth under Section 4 hereof."

Also, amend said Bill by amending Section 6 thereof by striking out the words and figures "thirty (30) days or more." where said words and figures appear in said Section 6 and insert in lieu thereof the following words and figures: "fifteen (15) days or more."

Further amend said Bill by adding the following Section immediately after Section 8 of said bill:

"Section 9. The provisions of this Act are severable. If any part of this Act shall for any reason be declared invalid or unconstitutional such declaration shall not invalidate, impair or otherwise affect the part of this Act which remains."

Also, further amend said Bill by numbering the last two sections of the Bill that follow Section 9 as Section 10 and Section 11.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden
Albea	Gilmore	Lindsey	Pierce
Branyon	Givhan	Lolley	Radney
Carr	Goodwyn	McDermott	Skidmore
Childs	Harris	Morrow	Stone
Dominick	Jackson	Nabors	Vacca

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 218. To provide for an expense allowance for each County Inferior Court Judge in this state who is required to hold court sessions at three different court houses in the county; and providing for the payment of such expense allowance out of the general fund of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Radney, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 218, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 218

Amend the title of S. B. 218 by inserting after the word "Provide" the following words and figures "in all counties having less than 600,000 population according to the last or any subsequent federal decennial census"

Also amend Section 1 of S. B. 218 by deleting the word "the" in the fourth line of Section 1 and inserting in lieu thereof the word "any" and further amending Section 1 by inserting after the word "county" where it appears in the fourth line of Section 1 the following words and figures "having less than 600,000 population according to the last or any subsequent federal decennial census."

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden
Albea	Folsom	Lolley	Pelham
Bailes	Giles	McDermott	Radney
Branyon	Gilmore	Morrow	Stone
Carr	Givhan	Nabors	Torbert
Childs	Goodwyn	O'Bannon	Turner
Clark	Leonard		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following H. J. R. 107:

H. J. R. 107. Relating to recreating and reconstituting the committee created by Act No. 219, 1967 Special Session.

And requests a committee on Conference.

And the Speaker of the House has named as a Committee on the part of the House Messrs. Culver, Young and Hain.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Resolution, H. J. R. 107, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. O'Bannon, Pierce and Givhan.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 699, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 699 with a suggested Executive Amendment.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

August 12, 1969

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith, the Body in which it originated, House Bill No. 699 without my approval.

I respectfully suggest that Section 3(a) of House Bill No. 699 be amended by adding at the end of the first sentence thereof the following:

"In exercising jurisdiction in juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940, and amendments shall apply."

The adoption of the suggested amendment will remove my objection to the bill.

Respectfully,

ALBERT P. BREWER,
Governor.

August 12, 1969

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 699, by a vote of Yeas 82, Nays 0, which was a majority of the whole number elected to the House, and said bill:

H. 699. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed by a vote of Yeas 81, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Lolley, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 699, the title of which and said executive amendment is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Albea	Engel	Lolley	Pelham	
Bailes	Folsom	McDermott	Pierce	
Carr	Giles	Morrow	Stone	
Childs	Harris	Nabors	Turner	
Clark	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning Senate Bill No. 537 with a suggested Executive Amendment.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

August 12, 1969

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you herewith, the Body in which it originated, Senate Bill No. 537 without my approval.

I respectfully suggest that Section 3(a) of Senate Bill No. 537 be amended by adding at the end of the first sentence thereof the following:

"In exercising jurisdiction in juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940, and amendments shall apply."

I have discussed this amendment with the sponsor of this legislation and it is at his request that this Executive Amendment is made.

Respectfully,

ALBERT P. BREWER,
Governor.

August 12, 1969

GOVERNOR'S MESSAGE

On motion of Mr. Lolley, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 537. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

which said amendment is set out in the foregoing Message from His Excellency, the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Advisory Board of Conservation.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

AUGUST 12, 1969

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following as members of the Advisory Board of Conservation:

James H. Crow, Jr.—Decatur, Alabama—Reappointment for the term expiring March 28, 1975.

George F. (Bubber) Bailey—Montgomery, Alabama—For the term expiring March 28, 1975.

Respectfully,

ALBERT P. BREWER,
Governor.

AUGUST 12, 1969

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Advisory Board of Conservation, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointment on the State Board of Pardons and Paroles.

Respectfully submitted,

ROBERT M. CLECKLER,
Secretary to the Governor.

AUGUST 12, 1969

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have re-appointed, subject to your confirmation, Ealon M. Lambert as Chairman of the State Board of Pardons and Paroles for the term expiring June 30, 1975.

Respectfully,

ALBERT P. BREWER,
Governor.

AUGUST 12, 1969

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Board of Pardons and Paroles, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointment on the Board of Appeals for the Department of Industrial Relations.

Respectfully submitted,

ROBERT M. CLECKLER,
Executive Secretary.

AUGUST 12, 1969

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Kenneth W. Underwood, Jr., Montgomery, Alabama, as a member of the Board of Appeals for

the Department of Industrial Relations, for the term expiring March 28, 1975.

Respectfully,

ALBERT P. BREWER,
Governor.

AUGUST 12, 1969

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Board of Appeals for the Department of Industrial Relations, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 774

The Senate proceeded to further consideration of the Bill:

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extension of credit to individuals, including consumer loans, consumer credit sales and consumer leases; to authorize the Superintendent of Banks, entitled under this Act as the Administrator to enforce this Act and to provide penalties for violation; to provide that the Supervisor, Bureau of Loans be designed as Deputy Administrator.

The question was on the substitute offered by Mr. Torbert.

Mr. Radney offered the following amendment to the substitute for the Bill, S. B. 774, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 774

Amend S. B. 774 by adding thereto Section 24 as follows:

Section 24: Title 5, Sections 277-300, Code of Alabama, are hereby repealed.

On motion of Mr. Torbert, said amendment was laid on the table.

Yeas 21; Nays 7.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Bailes	Giles	Lindsey	Skidmore	
Branyon	Gilmore	Lolley	Torbert	
Childs	Givhan	Morrow	Turner	
Clark	Goodwyn	Oden	Vacca	
Cooper	Harris			—21

Nays:

Messrs.:	Carr	McDermott	Pierce	
Albea	Dominick	Nabors	Radney	
				—7

And the substitute by Mr. Torbert for the Bill, S. B. 774, was then adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham
Albea	Engel	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McDermott	Skidmore
Childs	Givhan	Morrow	Torbert
Clark	Goodwyn	Nabors	Turner
Cooper	Jackson	Oden	Vacca

—27

Nays: —0

Mr. Cooper offered the following amendment to the Bill, S. B. 774, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 774 AS SUBSTITUTED

Amend S. B. 774 as substituted as follows:

Amend Section 21 (a) so as to insert between the words "from" and "engaging" the following words "engaging in any business subject to licensing under Section 18(a) without first obtaining a license therefor as provided in Section 18 and a licensee or any person acting in his behalf from."

Which was adopted.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Dominick	Jackson	Oden
Bailes	Engel	Leonard	Pelham
Branyon	Giles	Lindsey	Skidmore
Carr	Gilmore	Lolley	Torbert
Childs	Givhan	McDermott	Turner
Clark	Goodwyn	Morrow	Vacca
Cooper			

—24

Nays: Messrs. Nabors and O'Bannon —2

Mr. Cooper then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS AMENDED

Amend S. B. 774 as amended, by striking the whole of sub section (c) of Section 15 and inserting in lieu thereof the following:

"(c) When insurance as permitted herein is required by the creditor, and is not furnished by the debtor as herein provided, then upon payment of the debt before the final maturity date the debtor shall be entitled to receive that portion of the premium refunded by the insurance carrier. Upon renewal or refinancing of the debt before the final maturity date, the creditor shall refund or credit the debtor with the entire unearned premium on such insurance."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pelham
Albea	Engel	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McDermott	Skidmore
Carr	Givhan	Morrow	Torbert
Childs	Goodwyn	Nabors	Turner
Clark	Jackson	Oden	Vacca

—27

Nays: —0

Mr. Cooper then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS AMENDED

Amend S. B. 774, as amended, by adding at the end of sub section (b) of Section 15 the following:

"The creditor may for reasonable cause decline the insurance provided by the debetor."

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Cooper	Leonard	Pelham
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	Lolley	Skidmore
Branyon	Givhan	McDermott	Torbert
Carr	Goodwyn	Morrow	Turner
Childs	Jackson	Oden	Vacca
Clark			

—24

Nay: Mr. Radney —1

Mr. Cooper then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774

Amend S. B. 774, as amended, by striking therefrom Section 12 in its entirety and then renumber all subsequent sections accordingly.

Which was adopted.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Giles	Leonard	Morrow
Branyon	Gilmore	Lindsey	Oden
Clark	Givhan	Lolley	Stone
Cooper	Jackson	McDermott	Vacca
Engel			

—16

Nays:

Messrs.:	Goodwyn	Pelham	Skidmore
Bailes	Nabors	Pierce	Torbert
Childs	O'Bannon	Radney	Turner
Dominick			

—12

Mr. Cooper then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS AMENDED

Amend S. B. 774, as amended, by striking therefrom the whole of Section 9 and insert in lieu thereof the following:

"Section 9. If any creditor repossesses or voluntarily accepts surrender of goods sold in which he has a security interest and the cash purchase price of the goods repossessed or surrendered was $500.00 or less, the buyer is not personally liable to the seller for the unpaid balance of the debt arising from such sale."

On motion of Mr. Torbert, said amendment was laid on the table.

Yeas 20; Nays 10.

Yeas:

Messrs.:	Dominick	Morrow	Radney	
Albea	Gilmore	Nabors	Skidmore	
Bailes	Givhan	O'Bannon	Torbert	
Branyon	Goodwyn	Pelham	Turner	
Carr	Jackson	Pierce	Vacca	
Childs				—20

Nays:

Messrs.:	Engel	Lindsey	Oden	
Clark	Giles	Lolley	Stone	
Cooper	Leonard	McDermott		—10

Mr. Dominick offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS SUBSTITUTED

In Section 3 (a), in the first sentence, immediately after the words "creditor may" insert the following words: "contract for and"

In Section 3 (c), in the first sentence, immediately after the words "The final installment date" insert the following words: "The debtor may do so without penalty and"

In Section 8, in the first sentence, after the words "residence of the buyer" insert the following words: "or the buyer's neighbor"

At the end of Section 4 add the following: "(c) With respect to a consumer credit sale or loan or one pursuant to an open end credit plan, if any schedule payment is more than one and one-half times as large as the average of earlier scheduled payments, the buyer has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable than the terms of the original transaction. These provisions do not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the debtor."

Insert the following after Section 9 and renumber the remaining sections accordingly: "Section 10. With respect to a consumer credit sale or consumer lease the seller or lessor may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the

names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease. If a buyer or lessee is induced by a violation of this section to enter into a consumer credit sale or consumer lease, the agreement is unenforceable by the seller or lessor and the buyer or lessee, at his option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them."

Insert the following after Section 12 and renumber the remaining sections accordingly: "Section 13. No creditor shall induce or permit any person or any husband and wife, jointly or severally, to become obligated directly or contingently, or both, on more than one debt at the same time for the purpose of obtaining a higher finance charge than would otherwise be permitted by Section 1. It shall be unlawful for any creditor to evade or attempt to evade this act by inducing a debtor to become obligated to another creditor in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Pelham	
Albea	Dominick	Leonard	Pierce	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	Lolley	Torbert	
Carr	Givhan	McDermott	Turner	
Childs	Goodwyn	Morrow	Vacca	
Clark	Harris	Nabors		—26

Nays: —0

Mr. Nabors offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS SUBSTITUTED

Amend Section 17 subsection (a) by striking the words "and retailers who extend credit only in connection with sales of merchandise and services".

Which was adopted.

Yeas 21; Nays 4.

Yeas:

Messrs.:	Giles	Lolley	Pierce	
Albea	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Clark	Leonard	O'Bannon	Vacca	
Dominick	Lindsey			—21

Nays:

Messrs.:				
Cooper	Pelham	Skidmore	Turner	
				—4

Mr. Nabors then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 774, AS SUBSTITUTED

Amend Section 15 subsection (a) by striking the words "may not require" in the first sentence thereof and substituting therefor the words "shall not receive the payment for nor require the furnishing of".

Which was adopted.

Yeas 24; Nays 3.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	Lolley	Radney
Branyon	Givhan	McDermott	Skidmore
Carr	Goodwyn	Morrow	Stone
Childs	Harris	Nabors	Vacca
Clark			—24

Nays:

Messrs.:	Pelham	Torbert	Turner
			—3

Mr. Nabors then offered the following amendment to the Bill, S. B. 774, as amended, to-wit:

AMENDMENT TO S. B. 774, AS SUBSTITUTED

Amend Section 17 subsection (i) by adding the following after the first sentence:

In addition to the license fee provided for in this subsection, a licensee shall pay an additional fee at the time and in the manner provided in this subsection of $50.00 for each $100,000.00, or part thereof, in excess of $100,000.00, of the original unpaid balances arising from consumer credit sales, consumer leases, and consumer loans made in this State within the preceding calendar year and held either by the seller, lessor, or lender for more than 30 days after the inception of the sale, lease, or loan giving rise to the obligations, or by an assignee who has not been licensed as provided herein. A refinancing of a sale, lease, or loan resulting in an increase in the amount of an obligation is considered a new sale, lease, or loan to the extent of the amount of the increase.

On motion of Mr. Torbert, said amendment was laid on the table.

And said Bill, S. B. 774, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 7.

Yeas:

Messrs.:	Gilmore	Lindsey	Pierce
Branyon	Givhan	Lolley	Radney
Carr	Goodwyn	McDermott	Skidmore
Clark	Harris	Morrow	Stone
Dominick	Hawkins	Oden	Torbert
Engel	Jackson	Pelham	Vacca
Giles	Leonard		—25

Nays:

Messrs.:	Bailes	Cooper	O'Bannon
Albea	Childs	Nabors	Turner
			—7

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

S.J.R. 30 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.J.R. 40 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.J.R. 41 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.J.R. 43 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.J.R. 44 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.J.R. 46 Delivered to the Goevrnor August 5, 1969, at 5:30 P.M.

S.B. 79 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 126 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 238 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 410 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 491 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 468 Delivered to the Secretary of State August 5, 1969, at 5:35 P.M.

S.B. 470 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 212 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 268 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 426 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 436 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 535 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 537 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 625 Delivered to the Governor August 5, 1969, at 5:30 P.M.

S.B. 210 Delivered to the Secretary of State August 12, 1969, at 4:05 P.M.

S.B. 236 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.B. 209 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 39 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 42 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 52 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 55 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 56 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 57 Delivered to the Governor August 12, 1969, at 4:00 P.M.

S.J.R. 58 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 61 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 67 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 68 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 69 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 70 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.J.R. 74 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 109 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 182 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 189 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 239 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 259 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 266 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 267 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 337 Delivered to the Governor August 12, 1969, at 4:00 P.M.
SB. 340 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 405 Delivered to the Goveror August 12, 1969, at 4:00 P.M.
S.B. 485 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 547 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 602 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 610 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 611 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 618 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 623 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 628 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 629 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 635 Delivered to the Governor August 12, 1969, at 4:00 P.M.
S.B. 636 Delivered to the Governor August 12, 1969, at 4:00 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:47 P.M., on motion of Mr. Turner, the Senate adjourned until Thursday, August 14, 1969, at 12 o'clock Noon.

THIRTIETH LEGISLATIVE DAY

THURSDAY, AUGUST 14, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by Dr. Earl M. Hall, Minister, Normandale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

JOURNAL

On motion of Mr. McDermott, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Ninth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McCarley:

S. 879. To apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to appropriate certain funds for public buildings and furnishings.

Committee on Local Legislation No. 1.

By Mr. Clark:

S. 880. To provide that no election heretofore or hereafter held pursuant to the provisions of Section 254 to 274, inclusive, of Title 52 of the Code of Alabama of 1940 for the purpose of consolidating as a single school tax district all the area of a county lying outside the corporate limits of any city having a population of 2,500 or more, and the levy within such school tax district, at the maximum rate and for the maximum time allowed by law, of the special school tax authorized by Section 2 of Constitutional Amendment III shall be rendered invalid by reason of erroneous description in the proceedings, notice, or ballot relating to such election of the existing school tax districts or other territory to be so consolidated, or by any invalidity in any prior proceeding or election with respect to a school tax district lying within the area to be covered by such new school tax district.

Committee on Local Legislation No. 1.

By Mr. Jackson:

S. 881. To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Baldwin County, Alabama, shall be entitled to receive in lieu of any fees, commissions, percentages, and allowances, an annual salary of $20,000.00, which shall include his compensation for all ex-officio duties.

Section 2. The Court of County Commissioners, Board of Revenue or other like governing body of Baldwin County, shall provide compensation for clerks, assistants, and secretaries for the Judge of Probate in such number as may be reasonably necessary for the efficient conduct of the office of Judge of Probate. The Judge of Probate shall select, discharge, and fix the salaries of, his subordinates; provided, however, the maximum allowance for such clerk hire and assistants shall not exceed the sum of $35,000.00 per annum.

Section 3. The fees, commissions percentages, allowances, charges and court costs heretofore collectible for the use of the Judge of Probate shall be paid into the general fund of Baldwin County, from which fund the aforementioned salary of the Judge of Probate and his assistants shall be paid by the County.

Section 4. The Court of County Commissioners, Board of Revenue, or other like governing body shall provide the Judge of Probate with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of the office of the Judge of Probate.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6. This Act shall supersede Act No. 818, H. 1090, Regular Session 1965 (Acts 1965, p. 1530), and all other laws or parts of laws in conflict herewith, insofar as they relate to the office of the Judge of Probate of Baldwin County, Alabama, or the operation thereof.

Section 7. This Act shall take effect on the expiration of the current term of office of the Judge of Probate of Baldwin County, Alabama.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jimmy Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1969.

JIMMY FAULKNER, JR.

Sworn to and subscribed before me August 14, 1969.

DOROTHY MARTIN,
Notary Public.

By Mr. Turner:

S. 882. Relating to the Legislative Reference Service and the Legislative Council, amending further Section 1 of Act No. 152, H. 60, Regular Session 1945 (General Acts 1945, p. 190), as amended, so as to provide further for the salary of the director of the Legislative Reference Service.

Committee of Finance and Taxation.

By Mr. Jackson:

S. 883. To transfer all portions of any State Forest that lie within boundary of counties having between 32,500 and 34,000 population to the Division of State Parks.

Committee on Public Buildings and Grounds.

By Mr. Harris:

S. 884. To repeal Act No. 663, H. 902, Regular Session 1967 (Acts 1967, p. 1485), an Act providing for the payment into the general fund of Morgan County of all fees collected as solicitors' fees in the Morgan County Court.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 663, H. 902, Regular Session 1967 (Acts 1967, p. 1485), an Act providing for the payment into the general fund of Morgan County of all fees collected as solicitors' fees in the Morgan County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 663, H. 902, Regular Session 1967 (Acts 1967, p. 1485), an Act providing for the payment into the general fund of Morgan County of all fees collected as solicitors' fees in the Morgan County Court, is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Samuel D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 23rd, July 30th, Aug. 6th, and Aug. 13th, all in the year 1969.

SAMUEL D. NETTLES.

Sworn to and subscribed before me 13th day of August, 1969.

R. H. JERVIS,
Notary Public.

By Mr. Torbert:

S. 885. To provide that every person who participates in any endless chain shall be guilty of a misdemeanor; to provide for the punishment and fine for such misdemeanor; to define endless chain and participate as used in this Act; to limit the definition of compensation as used in this Act; to repeal all laws in conflict.

Committee on Temperance.

By Mr. Skidmore:

S. 886. To provide further for the disposition and use of the profits, including all taxes levied upon the selling price of spirituous or vinous liquors and certain taxes on malt and brewed beverages; amending Act No. 255, H. 313 Regular Session of 1943 (General Acts 1943, p. 226) and Act No. 92, H. 101, Second Special Session of 1963 (Acts, Second Special Session 1963, p. 257) and repealing Code of Alabama 1940, Title 29, Sections 10 and 11 and all other laws in conflict herewith.

Committee on Public Buildings and Grounds.

By Messrs. Nabors, McCarley, Harris, Skidmore, Lindsey, Leonard, Givhan, Cooper, Goodwyn, Stone, Jackson, Branyon, Giles, Folsom, Gilmore, Pelham, Vacca, Turner, Oden, Adams, Clark, Lolley, Radney, Torbert and Carr:

S. 887. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of soybeans.

Committee on Public Buildings and Grounds.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Cooper, Goodwyn, Stone, Jackson, Branyon, Giles, Folsom, Gilmore, Pelham, Torbert, Vacca, Oden, Turner, Adams, Clark, Lolley, Radney, Carr, Nabors, McCarley, Harris, Skidmore, Lindsey, Leonard and Givhan:

S. 888. To authorize and provide for the promotion of the production, marketing and use of soybeans and soybean products by research, education, advertising and other methods; authorizing soybean producers to act jointly with handlers, buyers and processors of soybeans and with the State Board of Agriculture and Industries for a promotional program; providing that producers of soybeans may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of such assessments; prescribing duties of the Commissioner of Agriculture and Industries, with respect to such a promotional program; and providing for the administration thereof by a nonprofit association; and providing for the collection of assessments by dealers, handlers and other buyers of soybeans; requiring an annual permit of such dealers, processors and other buyers; refund rights of sellers of soybeans; and other administrative, enforcement and penalty provisions.

Committee on Public Buildings and Grounds.

By Mr. Cooper:

S. 889. To transfer all portions of any State Forest that lie within boundary of counties having between 22,350 and 24,000 population to the Division of State Parks.

Committee on Public Buildings and Grounds.

By Mr. Lindsey:

S. 890. Relating to counties having populations of not less than 17,800 nor more than 18,700, fixing the compensation of the Judge of the Inferior Court in such counties; providing that the Circuit Clerk in such counties shall be the ex-officio clerk of said Inferior Court; fixing the compensation of such Clerk, and providing for the institution of prosecutions for felonies, in such Inferior Court by affidavit before such Clerk, and upon writ issued by him.

Committee on Local Legislation No. 1.

By Mr. McDermott:

S. 891. To provide for the revision, codification, digesting and promulgation of the public statutes of this State; to authorize the Governor to enter into a contract for such revision, codification, digesting and promulgation of such statutes; to designate the Legislative Council as a legislative committee to read, revise, amend and correct the manuscript of the Code; and to make an appropriation to effect the purposes of this Act.

Committee on Judiciary.

By Mr. Givhan:

S. 892. Relating to counties having populations of not less than 55,000 nor more than 60,000, according to the most recent federal decennial census; and providing for direct distribution to certain municipalities within such counties of their proportionate share of gasoline tax proceeds allocated for municipalities in such counties.

Committee on Local Legislation No. 1.

By Mr. Cooper:

S. 893. To amend Section 269 (b) of Title 46 of the Code of Alabama 1940 which relates to the issuance by the State Board of Medical Examiners of certain certificates of qualification without examination.

Committee on Public Health.

By Mr. Leonard:

S. 894. To amend Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, in order to provide further for places in which such beverages may be sold, to authorize and provide for the use of stamps, crowns or decals to evidence payment of the tax levied by said Act, and to provide further for the enforcement of the Act and prescribe additional penalties for violations of the Act.

Committee on Local Legislation No. 1.

By Mr. McDermott:

S. 895. To provide for the revision, codification, digesting and promulgation of the public statutes of this State; to authorize the Governor to enter into a contract for such revision, codification, digesting and promulgation of such statutes; to designate the Legislative Council as a legislative committee to read, revise, amend and correct the manuscript of the Code; and to make an appropriation to effect the purposes of this Act.

Committee on Finance and Taxation.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 774. To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act.

LELAND CHILDS,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 44. To Regulate The Establishment And Operation Of Separate Accounts By Life Insurance Companies Incorporated Under The Laws Of This State In Connection With Certain Individual And Group Contracts Providing Benefits Payable In Fixed Or In Variable Dollar Amounts, Or In Both.

Also:

S. 201. To regulate the business of buying and selling livestock by requiring persons engaged in such business to be licensed and bonded; prescribing the method for determining the amount of said bond; authorizing the Commissioner of Agriculture and Industries to promulgate rules and regulations to effectuate this act, and providing a penalty for violations.

Also:

S. 218. To provide in all counties having less than 600,000 population according to the last or any subsequent federal decennial census for an expense allowance for each county inferior court judge in this state who is required to hold court sessions at three different court houses in the county; and providing for the payment of such expense allowance out of the general fund of such counties.

Also:

S. 311. To make an appropriation to the Department of Agriculture and Industries for the two fiscal years ending September 30, 1970 and September 30, 1971, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera.

Also:

S. 538. Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the members of the county governing body.

Also:

S. 539. Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the chairman of the county governing body.

Also:

S. 544. To fix expense allowances of Courts of County Commissioners, Boards of Revenue or like governing bodies of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

Also:

S. 638. To amend further Act No. 355, H. 757, Regular Session 1953, (Acts 1953, p. 423), which relates to the office of sheriff of Limestone County so as to delete from said act the requirement that the county furnish the sheriff a house in which to reside during his term of office.

Also:

S. J. R. 81. Commending Honorable Leroy Stevens.

Also:

S. J. R. 82. Naming the new vacation park on Lake Eufaula the Albert Brewer Lakepoint Resort.

Also:

S. J. R. 83. Creating a joint interim committee to study modernization of legislative processes.

Also:

S. J. R. 84. Mourning the death of Mr. Samuel Wright.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS AND SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORTS OF COMMITTEES

Mr. Lolley, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Downing et al:

H. 288. To create a retirement system for peace officers as defined herein; to create the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund and to establish the said Fund; to provide for the method of selection of the members of the said Board and their successors, and to fix their compensation; to provide for the organization and operation of the said Board and the employment of an executive director; to fix the maximum salary of such executive director, and to define his powers; to provide for the disposition of monies received by the said Fund, for the depositories therefor, and the investment thereof; to specify the powers of the said Board, and to require the

maintenance of books and records; to define those eligible for benefits from the said Fund and the conditions precedent to and terms of service required for receipt of such benefits; to fix a monthly fee for each member of the said Fund and to provide for conditions of membership in the said Fund; to impose additional costs in all criminal and quasi criminal proceedings for the violation of laws of the state or municipal ordinances; to provide for the payment of such costs to the said Fund; to specify retirement, disability and death benefits for members of the said Fund and to establish the conditions precedent to the receipt of such benefits; to require that the Fund be operated on an actuarially-sound basis and that actuarial reports be regularly rendered; to provide for an adjustment of benefits in response to any such report; to provide for refunds of contributions by members; to provide for the military service and change of employment by members of the said Fund; to require semiannual reports and annual audits of the Fund; to make all rights, annuities and benefits subject to future change by the Legislature; to restrict the assignability of rights hereunder; to provide that the rights granted hereunder are cumulative to all other rights; to provide for the partial invalidity of any provision hereof, to make an appropriation for payment of the expenses of the said Board; and to provide for the effective date of this Act.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwyn and Pierce:

S. 857. To regulate further fees of justices of the peace in all counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census; and to provide that in lieu of justices' fees in criminal cases in such counties for the collection by justices of the peace of a fixed charge per case in all criminal cases, all of which must be remitted to the state, and for the payment by the state of compensation to justices of the peace for all their services pertaining to criminal cases tried in their respective courts on the basis of their case loads.

By Mr. Folsom:

S. 851. To amend Act No. 160, S. 338 of the Regular Session, 1965 (Acts, Regular Session 1965, p. 228), which relates to director's fees which may be paid to members of the board of directors of certain gas districts.

By Mr. Branyon (with notice and proof):

S. 852. To alter, rearrange and extend the boundary lines and corporate limits of the City of Fayette in Fayette County.

By Mr. Branyon (with notice and proof):

S. 853. To alter, rearrange and extend the boundary lines and corporate limits of the town of Detroit in Lamar County.

By Mr. Giles:

S. 856. Creating and establishing a county-wide personnel system at the option of the governing body of the county for all counties of the State of Alabama having a population of not less than 115,000 and not more than 165,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers,

duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

By Mr. Giles (with notice and proof):

S. 859. Authorizing the Board of County Commissioners or like governing body of Madison County, Alabama to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Madison County, for the purchase of equipment, materials and supplies.

By Mr. Giles:

S. 860. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts, Organizational, Special Regular Session 1967, Vol. II p. 1482) an act applying only in counties having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

By Mr. Nabors (with notice and proof):

S. 862. To amend Section 5 of Act #226, Acts of Alabama, 1959, Page 765, to provide that the City of Gadsden shall pay into the Policemen's and Firemen's Retirement fund an amount equal to ten (10%) per cent of the salary of each member of the police and fire departments and to provide that each such member shall pay into said fund an amount equal to five (5%) per cent of his monthly salary; and to provide that a person must hold a position for three (3) years just before retirement or his percentage of pension shall be averaged as provided herein.

By Mr. Nabors (with notice and proof):

S. 863. To alter and rearrange the boundaries between the City of Gadsden and the City of Glencoe so as to detach certain territory from the City of Glencoe and annex the same to the City of Gadsden.

By Mr. Givhan:

S. 864. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

By Mr. Giles (with notice and proof):

S. 867. To authorize the creation of a public corporation in Madison County, Alabama, which shall have the power to construct, lease, build, install, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations created thereby; to authorize the issuance of revenue bonds and revenue re-

funding bonds payable from the revenues of authorized projects, to pay the cost of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; and providing that no debt of a state, political subdivision thereof or of any municipality created thereby shall be incurred in the exercise of any of the powers granted by this act.

By Mr. Giles (with notice and proof):

S. 868. To amend further Act No. 658, H. 1030, approved November 21, 1959, as amended by Act No. 124, S. 28, Acts of Alabama 1961, p. 2047 and as further amended by Act No. 173, H. 296, approved July 30, 1965, Acts of Alabama 1965, p. 243, an act providing for a privilege license or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes.

By Mr. Giles (with notice and proof):

S. 869. To amend further Act No. 476, H. 627, Regular Session 1955 (Acts 1955 v. 11 p. 1084) as said act was amended by Act No. 276, H. 346, Acts of Alabama, Special Session 1966, p. 419, approved September 9, 1966, an act creating the office of Deputy Circuit Solicitor in the Twenty-third Judicial Circuit; and providing for his appointment, duties and compensation.

By Mr. Giles:

S. 870. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts, Organizational, Special Regular Sessions 1967, Vol. II p. 1482) an act applying only in counties having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

By Mr. Leonard:

S. 871. Relating to counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; to authorize the county governing body of each such county to provide for the payment of certain expenses heretofore incurred by certain county officers of the county and to validate certain payments heretofore made by such county governing bodies.

By Mr. Stone:

S. 873. To fix the compensation of the judge of probate and the sheriff in all counties having populations of not less than sixteen thousand one hundred and fifty (16,150) and not more than seventeen thousand three hundred and fifty (17,350) according to the last or any subsequent Federal decennial census and to provide an effective date to begin at the next term of office.

By Mr. Lindsey:

S. 877. Relating to counties having populations of not less than 17,800 nor more than 18,700, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

By Mr. Lindsey:

S. 878. To fix the compensation of the deputy sheriffs in counties having populations of not less than 17,800 nor more than 18,700.

By Mr. Carr:

S. 875. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional allowances for clerk hire fund for the office of Probate of such counties.

By Mr. Radney (with notice and proof):

S. 855. To alter and rearrange the boundary lines of the Town of Newsite, Alabama, so as to include within the corporate limits of the Town of Newsite, Alabama, all territory now within such corporate limits and also certain other territory.

By Mr. Graham (with notice and proof):

H. 736. To amend Act No. 695, H. 923, Regular Session 1965, an act creating an inferior court for Franklin County in lieu of the county court, in relation to the qualifications of the Judge of the court.

By Mr. Harper (with notice and proof):

H. 1337. To authorize the county governing body of Tallapoosa County to appropriate county funds for the relief of Houston Harper and M. L. McCoy to compensate said persons for certain damages and to pay a certain sum to the estate of Floyd Patterson as a just and moral obligation of the county for which there is no recourse at law.

By Messrs. Beck and Meade:

H. 1066. Relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

By Messrs. Meade and Beck (with notice and proof):

H. 1071. Authorizing the county governing body of Cherokee County, Alabama, to levy and collect a 1¢ gasoline tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows.

By Messrs. Beck and Meade (with notice and proof):

H. 1108. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Mentone, in DeKalb County, Alabama; and to prescribe the time when this Act shall become effective.

By Messrs. Beck and Meade:

H. 1109. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

By Mr. Stubbs (with notice and proof):

H. 1182. Relating to Shelby County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County, Alabama, for any use, gasoline, and diesel fuel as defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

By Mr. Pearson (with notice and proof):

H. 1200. Relating to law enforcement in Autauga County; To amend Act No. 61, H. 2, of the Special Session, 1967 (Acts, 1967, p. 96), an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees, so as to provide further for the disposition and use of such fees.

By Mr. Pearson (with notice and proof):

H. 1201. Relating to Autauga County; regulating further the compensation of the jury commission and the clerk thereof.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Meade and Beck (with substitute):

H. 1203. To apply only in counties having populations of not less than 16,200 nor more than 17,200 inhabitants, authorizing the county board of education to fix expense allowances for members of the board.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mays:

H. 1216. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

By Messrs. Owen (Baldwin) and Brannan:

H. 1262. To provide for the supplemental compensation of the court reporter of the circuit court of any county having a population of not less than 48,500 nor more than 49,500, according to the last or any subsequent federal decennial census; to repeal conflicting general, local or special laws.

By Messrs. Owen (Baldwin) and Brannan (with notice and proof):

H. 1264. Relating to Baldwin County, prescribing the compensation of the Chief Deputy Sheriff.

By Mr. Owen (Baldwin) (with notice and proof):

H. 1266. Relating to Baldwin County; authorizing the county commissioners of such county to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid; to prescribe their method of appointment and fix their duties.

By Mr. Cook (Coffee) (with notice and proof):

H. 1280. To create the Inferior Court of Coffee County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Coffee County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

By Mr. Cook (Coffee) (with notice and proof):

H. 1281. To create a Deputy District Attorney for Coffee County, and to provide for his duties, selection and compensation.

By Mr. Cook (Coffee) (with notice and proof):

H. 1282. Relating to Coffee County; to provide further for the distribution of fines and forfeitures in certain cases.

By Messrs. Foshee and Jackson (F):

H. 1286. Relating to counties having populations of not less than 35,100 nor more than 36,100; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials.

By Messrs. Foshee and Jackson (F) (with notice and proof):

H. 1287. To alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Covington County, Alabama.

By Messrs. Beck and Meade:

H. 1292. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

By Messrs. Beck and Meade:

H. 1293. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

By Messrs. Beck and Meade:

H. 1294. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

By Mr. Mays:

H. 1295. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

By Messrs. Stembridge and Crawford (with notice and proof):

H. 1297. To alter or rearrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

By Messrs. Stembridge and Crawford:

H. 1298. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to increase the compensation of the members of the jury commission in such counties; to repeal conflicting laws.

By Messrs. Stembridge and Crawford:

H. 1300. To apply only in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, providing a county supplement to the per diem compensation of members of the county board of equalization and repealing conflicting laws.

By Mr. Williams:

H. 1301. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Mr. Jones et al (with notice and proof):

H. 1310. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

By Messrs. Manley and Pruitt:

H. 1314. To amend Section 1 of Act No. 179, Acts of Alabama 1965, page 250, relating to counties having a population of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds; to provide for actual expenses for travel outside the county on county business and to validate payments heretofore made for such travel.

By Mr. Young (with notice and proof):

H. 1329. A bill further regulating the salaries of the members of the Tax Equalization Board, Board of Registration, and Jury Commission in Randolph County, Alabama.

By Mr. Young (with notice and proof):

H. 1330. Relating to Randolph County; regulating further the compensation, allowances, and duties of members of the Court of County Commissioners, Board of Revenue, or other like governing body of the county; repealing conflicting laws.

By Mr. Young (with notice and proof):

H. 1331. Relating to Randolph County; regulating further the number of Deputy Sheriffs for Randolph County and the salaries to be paid to said Deputies.

By Mr. Dobbs:

H. 1339. Relating to counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census; to provide for the compensation of the clerk of the intermediate court if there is such a court in such counties; to repeal conflicting laws.

By Messrs. Crawford and Stembridge:

H. 1340. Relating to counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census; and providing for an expense allowance for the superintendent of education in such counties.

By Mr. Neville:

H. 1269. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax collector of such counties; and repealing conflicting laws.

By Mr. Brassell:

H. 1332. To apply to all counties having populations of not less than 46,000 nor more than 46,500 according to the most recent federal decennial census and in which a special juvenile court has been established; to authorize the appointment of a probation officer to serve such court and to prescribe his qualifications, duties and authority; to authorize and direct the commissioner of the state department of pensions and security to pay a portion of said probation officer's salary out of certain funds available to said department under certain conditions and to provide that the remainder of his salary and all other expenses shall be paid on a pro rata basis by the governing bodies of the county and of the largest city therein of all counties to which this act applies.

By Mr. Neville:

H. 1270. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax assessor of such counties; and repealing conflicting laws.

By Mr. Neville:

H. 1267. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; and providing an expense allowance for the probate judge of such counties.

By Mr. Neville:

H. 1276. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

By Mr. Neville:

H. 1268. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an additional deputy circuit clerk for such counties; and repealing conflicting laws.

By Mr. Harris (with notice and proof):

S. 874. To alter, rearrange and extend the boundary lines and corporate limits of the City of Decatur, in Morgan County.

By Messrs. Harris and Oden:

S. 850. To propose an amendment to the Constitution of Alabama, relating to the levying and collection of special property tax for general health purposes in the counties of Lawrence, Limestone and Morgan, Alabama.

The above Bill was read a second time at length as required by the Constitution.

Mr. Givhan, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Foshee and Jackson (F):

H. 362 (with amendment). Relating to telephone communications, limiting the number of subscribers for which service may be provided on any one line of communication.

Mr. McDermott, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan:

S. 652. To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged

in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof", so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

Mr. Skidmore, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Berryman (R) et al:

H. 276 (with amendments). To provide further for the collection of unpaid wages; authorizing the director of labor to take assignments in trust of certain wage claims and thereafter to settle, adjust and collect such claims, through suits at law, if necessary; to provide for and regulate such suits; to forbid an employer's exempting himself, by contract, from this Act.

Mr. Skidmore, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Skidmore:

S. 849. To authorize state, county and municipal employees to organize for collective bargaining purposes; to allow the state, counties, municipalities and their agents to recognize employee organizations and designated bargaining units, and to negotiate with such bargaining units as to certain working conditions; to provide for designation and composition of the bargaining units by the State Department of Labor; to provide for arbitration of disputed matters; to prohibit the right to strike; and to repeal conflicting laws.

Mr. Nabors, Chairman of the Standing Committee on Corporations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

H. 990. To amend Section 6 of Act No. 175 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, so as to provide that if at any time any corporation organized thereunder or whose certificate of incorporation has been amended thereunder (regardless of whether it has ever issued any bonds) does not have any bonds outstanding, its Board of Directors may adopt a resolution declaring that such corporation shall be dissolved and that upon the filing for record of a certified copy of such resolution in the office of the Judge of Probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved and title to any property and assets then owned by it shall (except as otherwise provided in Section 7 of said Act No. 175) vest in the municipality which authorized its incorporation.

Mr. Carr, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waggoner et al:

H. 749. To prohibit the discharge of litter and sewage and certain other materials from a watercraft into the waters of this State; to prohibit discharge of untreated sewage from marine toilets; to require treatment of sewage discharged by marine toilets; to authorize the State Board of Health to adopt rules and regulations for discharge of sewage and litter from watercraft, including requirements for permits to restrict manufacturers of marine toilets and devices to comply with regulations; to authorize revocation of certification of watercraft after certain convictions; to require litter or trash receptacles for marinas; to provide for enforcement by the Board of Health and Department of Conservation; to prescribe the method of prosecution and penalties for violation of this Act and rules and regulations; to require fines to be paid into the General Fund and to provide for expenditures of funds for carrying out this Act from Federal Funds or other funds available to the Board of Health or state.

Mr. Oden, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis et al:

H. 636. To amend Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), relating to the speed of motor vehicles on the state highways, so as to further regulate the speed of motor vehicles on highways included in the Interstate System.

Mr. Lolley, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (Coffee) et al:

H. 779 (with amendment). To establish a pension fund for Alabama Fire Fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and con-

tinuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Mr. Lolley, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (Coffee) et al:

H. 778. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide a Pension Fund for the Fire Fighters in Alabama and to levy a tax in support thereof.

The above Bill was read a second time at length as required by the Constitution.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Graham:

H. 35. Relating to counties having populations of not less than 46,500 nor more than 48,000; to authorize certain cities within such counties to consolidate; to prescribe the method of consolidation; to provide that the city created from such consolidation shall succeed to the powers, obligations, duties and rights of cities consolidated therein; to provide for a referendum election to determine if this act shall become effective.

By Messrs. Hill and Haygood (with notice and proof):

H. 927. To regulate further the preparation and publication of the list of qualified electors in Lauderdale County in even numbered years; providing for the posting of such lists in lieu of their publication in a newspaper; relieving the judge of probate of the duty of publishing such list; and authorizing him, in his discretion, to publish a brief notice relative to such lists.

By Messrs. Berryman (W) and Graham:

H. 1204. Relating to counties having populations of not less than 46,500 nor more than 48,000 to provide protection to recipients of old age assistance; requiring such recipients to receive counseling before entering into certain financial agreements.

Mr. Givhan, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Marr et al:

H. 109 (with substitute). To express the public policy of the State of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the State or its agencies, to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner:

S. 444. Relating to credit unions: Amending Code of Alabama 1940, Title 28, Sections 291, 297 and 298, so as to provide for loan officers of credit committees, reserve funds and dividends of credit unions.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bolton et al:

H. 166. To create an Alabama Recreation Commission; to provide for the members of the Commission, their appointments, qualifications, and term of office; to provide for the powers and duties of the Commission; to provide for the powers and duties of the Executive Director; to define the terms used in this Act; and to appropriate funds.

By Mr. Bank et al:

H. 422. To authorize and provide for the payment out of the general fund in the state treasury of a gratuity to the next of kin of certain persons who have died or who hereafter die while in the active service of the Armed Forces of the United States during a prescribed period when the United States was, is or shall be engaged in hostilities with a foreign state, whether as a result of a declared war or not; and to provide for the administration of this act by the state department of veterans' affairs.

By Mr. Bank et al:

H. 424. To provide for and regulate the payment from the general fund in the state treasury of a bonus to certain prisoners of war who were captured while serving within a prescribed period in the Armed Forces when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not; and to provide for the administration of this act by the State Department of Veterans' Affairs.

By Mr. Melton et al:

H. 994. To authorize county governing bodies of the several counties to appoint a county engineer; to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation in the salary of the county engineer.

By Mr. Radney:

S. 846. To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Tallapoosa County for the Department of Public Safety.

Mr. Bailes, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harris:

S. 876. To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clark, Morrow and Branyon:

S. 838. To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof", so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

By Messrs. Jackson and Goodwyn:

S. 866. To authorize and provide for the establishment, operation and financing of a public defender office in those judicial circuits of the State of Alabama having a State Penitentiary population of not less

than one thousand, seven hundred inmates; to define the powers, duties of and limitations upon such public defenders; to provide for the selection of such public defenders and their compensation and expenses of said office; to provide for the resignation and removal of such public defenders.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Marr, Collins (W) and Lyons:

H. 1325. To define "fifty tons burden" as used in the Alabama Sales Tax law, Act No. 100, H. 94, 2nd Special Session 1959 (Acts 1959, p. 298), as amended and supplemented, and as used in the Alabama Use Tax law, Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended and supplemented.

Also:

By Messrs. Pennington, Jones, McLain, Laxson and Grainger:

H. 880. To provide for uniformity in designating county governing bodies in the several counties of this state.

Also:

By Messrs. Neville, Malone, Snell, Bassett, Stembridge, Harper, Graham, Berryman (W), Higginbotham, Brassell and McLain:

H. 8. Relating to voters and voting; making it unnecessary for certain absentee voters to make new applications to vote in certain run-off primary elections; prescribing additional duties for officers or persons who handle absentee voting.

Also:

By Messrs. Cherner, Dill, Grayson, Ellis, Smith, Blanton, Bank, Yeilding, Springer, Wright and Malone:

H. 270. Relating to certain schools or courses of instruction publicized, sold, offered for sale or administered to residents of this State; prescribing certain requirements relative to the solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the state board of education; authorizing the state board of education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the board; and providing penalties for violations.

Also:

By Messrs. McDonald, Drake and Starnes:

H. 755. To make an appropriation from the state treasury to the use of the State Department of Education in matching funds provided by the Daughters of the American Revolution for capital outlay purposes at the Kate Duncan Smith School at Grant, Alabama.

Also:

By Messrs. House and Harper:

H. 712. To prohibit and provide appropriate penalties for the removal, falsification or alteration of motor vehicle or engine identification numbers.

Also:

By Messrs. Ellis, Holman and Bowers:

H. 1319. To create a junior college board; to repeal conflicting laws.

Also:

By Mr. McLain:

H. 1307. Relating to all incorporated cities and towns within the State of Alabama; authorizing all cities and towns to provide by ordinance for the levy and assessment of sales taxes, parallel to the State levy of sales taxes as levied by Act No. 100, H. 94, Second Special Session 1959, as amended; providing that all such taxes levied or assessed shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions, as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended; authorizing said cities and towns to provide by ordinance for the levy and assessment of an excise tax or use tax parallel to the State levy and assessment of excise or use taxes, as levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that the levy and assessment of all said excise taxes and use taxes shall be subject to all definitions, exceptions, exemptions, requirements, provisions, penalties, fines, punishments and deductions, as are provided by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that said cities and towns shall from time to time adopt by ordinance such rules and regulations for making returns and for ascertainment, assessment, and collection of any taxes levied as it may deem necessary to enforce these provisions; providing that the Council or other governing body may adopt in whole or in part any rules and regulations which may be promulgated by the State Department of Revenue or may modify and amend the same, subject to the discretion of the Council or other governing body; providing that the Council or other governing body shall have the authority to provide by ordinance for the rate of said tax, providing that the same may be levied and assessed in whole or in part, in lieu of any privilege license tax based on gross receipts which at the time of said levy, is otherwise provided for by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940; providing that any previous pledge of the proceeds collected from a privilege license tax levied by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940, shall have full force and effect as to any levy or assessment made pursuant to this Act; providing for the levy and assessment of all taxes herein authorized within the police jurisdiction of any said city or town; providing that the Council or other governing body may by Resolution provide for the administration and collection of all taxes levied and assessed under the provisions of this Act by the State Department of Revenue under the provisions and procedures provided for by Act No. 203, H. 99, Special Session 1965.

Also:

By Mr. McLain:

H. 1308. To provide that all municipalities and all counties levying an excise or privilege license tax upon the sale, use or consumption, distribution, storage or withdrawal from storage, of gasoline or motor fuel may require that where the tax has been paid to the municipality or county by a distributor, refiner, or by any retail dealer, storer, or user, such payment shall be sufficient, the intent being that the tax shall be borne by the consumer and paid to the municipality or county but once.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1325, 270, 755, 1307 and 1308. To the Committee on Finance and Taxation.

H. B. 880. To the Committee on Counties and County Boundaries.

H. B.'s 8 and 1319. To the Committee on Public Buildings and Grounds.

H. B. 712. To the Committee on Judiciary.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 86. RESOLVED BY THE SENATE That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business:

Bill No.	Page
HB 282	60
HB 281	110
HB 283	110
HB 621	71
HB 622	75
HB 420	60
HB 886	63
HB 858	61
HB 888	63
HB 857	61
HB 891	64
SB 664	70
HB 892	65
HB 889	64
HB 861	62
HB 862	63

Mr. Bailes offered the following amendment to the Resolution, S. R. 86, to-wit:

AMENDMENT TO S. R. 86

Amend S. R. 86

Place at the top of the order S. B. 25 on Page 81.

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 20; Nays 7.

Yeas:

Messrs.:	Engel	Goodwyn	Pierce
Albea	Folsom	Leonard	Skidmore
Branyon	Giles	Lindsey	Stone
Carr	Gilmore	Lolley	Torbert
Clark	Givhan	Nabors	Turner
Cooper			—20

Nays:

Messrs.:	Childs	McDermott	Radney
Bailes	Dominick	Morrow	Vacca
			—7

And said Resolution, S. R. 86, was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 1094. Relating to certain county officers in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; providing expense allowances for the probate judge, the tax assessor and the tax collector; and prescribing an effective date and an expiration date for this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney
Adams	Gilmore	McDermott	Skidmore
Branyon	Givhan	Morrow	Stone
Carr	Goodwyn	Nabors	Torbert
Childs	Harris	O'Bannon	Turner
Clark	Hawkins	Oden	Vacca
Cooper	Jackson		—25

Nays: —0

The Bill:

H. 1128. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to provide for the compensation of the judge of probate in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce
Adams	Folsom	Lolley	Radney
Albea	Giles	Nabors	Stone
Bailes	Harris	O'Bannon	Torbert
Clark	Hawkins	Oden	Turner
Cooper	Jackson	Pelham	Vacca
Dominick	Leonard		—25

Nays: —0

The Bill:

H. 1130. Regulating the compensation of registrars of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and providing for payment of additional compensation to them by the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Pelham	Turner	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1129. To fix the compensation of the sheriffs of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	McDermott	Skidmore	
Branyon	Folsom	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 826. To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Adams	Engel	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Carr	Giles	Lolley	Pierce	
Childs	Gilmore	McCarley	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 827. To alter, rearrange and extend the boundary lines and corporate limits of the town of Level Plains in Dale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Clark	Harris	Nabors	Torbert	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 1131. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to fix the minimum and maximum figures for the salary of the deputy sheriffs and all other employees of the sheriff's department in such counties; to authorize the county governing body to prescribe the exact amount of such salaries; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Pelham	Turner	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1124. To regulate further the times and places of registering voters in counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 758. To amend further Act No. 553, H. 145, Regular Session of 1955 (Acts, 1955, p. 1210), which grants to housing authorities and municipalities certain additional powers and authority relative to elimination and prevention of the development of slums and blight, in order to remove the special limitation on the use of such powers by housing authorities and municipalities in Houston County heretofore incorporated by amendment into such Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Stone	
Bailes	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 215. Relating to retirement systems for certain county employees in all counties having populations of not less than 31,500 nor more than 32,200, according to the most recent federal decennial census; providing further for eligibility for membership in such retirement systems.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McCarley, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 215, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 215

A BILL
TO BE ENTITLED
AN ACT

Relating to retirement systems for certain county employees in all counties having populations of not less than 31,500 nor more than 32,200, according to the most recent federal decennial census; providing further for eligibility for membership in such retirement systems.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 31,500 nor more than 32,200 according to the most recent federal decennial

census, in which retirement systems have heretofore been established for certain county employees, all county officers, their deputies and employees shall be eligible for membership in said retirement systems. Any such officer, or deputy officer or employee of such officers shall also become eligible immediately for benefits computed upon the same basis as provided for county employees who became members of the system upon the date of the establishment thereof. All time served by any such officer, deputy or employee of such officer in their respective employments prior to the effective date of this Act shall be deemed continuous service to the county and shall be counted as such when computing benefits based on the number of years of such service.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Radney	
Branyon	Givhan	McCarley	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 282. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 282, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 282

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The tax hereby levied shall be at the following rates:

On each package of cigarettes containing twenty cigarettes or less, three cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, four cents; and on each package of cigarettes containing more than forty cigarettes, five cents.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the package at the rates set out hereinabove and in the manner provided by Section 2.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. (a) The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Section 718, through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended.

(b) Provided, however, all cigarettes in inventory by retailers and wholesalers, as of the close of business on the last day of the first month following the passage and approval of this act by the Governor, or upon its otnerwise becoming a law, shall also be subject to the additional tax imposed by this act, which tax shall be paid by such retailers and wholesalers directly to the Department of Revenue without the purchase of stamps. Provided, that if the tax levied by this act with respect to in-

ventories as provided herein is not reported and paid on or before the first day of the third month following the passage and approval of this act by the Governor, or upon its otherwise becoming a law, the Department shall add a penalty of 10% of the tax due, but in no case shall the penalty be less than $5.00 per month for failure to report and pay said tax. Provided further, that the Department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof.

Section 3. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 6. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Turner, said substitute was laid on the table.

Mr. Turner offered the following substitute for the Bill, H. B. 282, to-wit:

SUBSTITUTE FOR H. B. 282

A BILL
TO BE ENTITLED
AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The tax hereby levied shall be at the following rates:

On each package of cigarettes containing twenty cigarettes or less, two cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, three cents; and on each package of cigarettes containing more than forty cigarettes, four cents.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, it being the purpose and intent of this provision that

the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the package at the rates set out hereinabove and in the manner provided by Section 2.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. (a) The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Section 718, through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended.

(b) Provided, however, all cigarettes in inventory by retailers and wholesalers, as of the close of business on the last day of the first month following the passage and approval of this act by the Governor, or upon its otherwise becoming a law, shall be subject to the additional tax imposed by this act, which tax shall be paid by such retailers and wholesalers directly to the Department of Revenue without the purchase of stamps. Provided, that if the tax levied by this act with respect to inventories provided herein is not reported and paid on or before the first day of the third month following the passage and approval of this act by the Governor, or upon its otherwise becoming a law, the Department shall add a penalty of 10% of the tax due, but in no case shall the penalty be less than $5.00 per month for failure to report and pay said tax. Provided further, that the Department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof.

Section 3. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Funds.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 6. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Carr	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Turner	
Cooper	Goodwyn	Nabors	Vacca	
Dominick				—24

Nays: Messrs. Bailes, Childs —2

And said Bill, H. B. 282, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Dominick	Harris	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Folsom	Lindsey	Radney	
Carr	Giles	Lolley	Stone	
Clark	Givhan	McDermott	Turner	
Cooper	Goodwyn	Nabors	Vacca	
				—23

Nays:

Messrs.:	Childs	McCarley	Morrow	
Bailes	Hawkins			—5

The Bill:

H. 281. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the State Treasury.

Was read a third time at length and passed.

Yeas 26; Nays 5.

Yeas:

Messrs.:	Dominick	Leonard	Pierce	
Adams	Engel	Lindsey	Radney	
Albea	Giles	Lolley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Nabors	Turner	
Clark	Goodwyn	Oden	Vacca	
Cooper	Harris	Pelham		—26

Nays:

Messrs.:	Childs	McCarley	Morrow	
Bailes	Hawkins			—5

The Bill:

H. 283. To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person

licensed under the provisions of Title 29 of the Code of Alabama (1940), as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

was taken up.

The Standing Committee on Public Buildings and Grounds reported the following substitute for the Bill, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 283

A BILL
TO BE ENTITLED
AN ACT

To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of Alabama (1940), as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases "person," "malt or brewed beverages," "sale" and "sell," wherever used in ths act, shall have the meanings respectively ascribed to them in Section 1 of Title 29 of the Code of Alabama of 1940.

Section 2. Levy of Tax. In addition to all other taxes now imposed by law, and in addition to the licenses provided for by Title 29, Code of Alabama of 1940, as amended, there is hereby levied a privilege or excise tax on every person licensed under the provisions of Title 29, Code of Alabama 1940, who sells, stores or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages, and shall be an amount equal to one cent (.01¢) for each twelve fluid ounces or fractional part thereof.

Section 3. Collection. The tax hereby levied shall be collected by the Alcoholic Beverage Control Board in the same manner as other taxes and license fees are collected by it.

The tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent for the state for the collection and payment of the tax.

Section 4. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Fund.

Section 5. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21, Nays 9.

Yeas:

Messrs.:	Dominick	Lolley	Skidmore	
Adams	Gilmore	Nabors	Stone	
Albea	Givhan	Oden	Torbert	
Carr	Goodwyn	Pierce	Turner	
Clark	Leonard	Radney	Vacca	
Cooper	Lindsey			—21

Nays:

Messrs.:	Childs	McCarley	Morrow	
Bailes	Harris	McDermott	Pelham	
Branyon	Hawkins			—9

And said Bill, H. B. 283, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 21, Nays 10.

Yeas:

Messrs.:	Cooper	Lindsey	Radney	
Adams	Giles	Lolley	Stone	
Albea	Gilmore	Nabors	Torbert	
Branyon	Givhan	Oden	Turner	
Carr	Goodwyn	Pierce	Vacca	
Clark	Leonard			—21

Nays:

Messrs.:	Dominick	Hawkins	Morrow	
Bailes	Engel	McCarley	Pelham	
Childs	Harris	McDermott		—10

The Bill:

H. 621. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 621, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 621

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for each of the two fiscal years ending respectively September 30, 1970, and September 30, 1971, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof.

FROM THE GENERAL FUND

I. LEGISLATIVE:

(1) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature for the fiscal year ending September 30, 1970 ..... $ 1,000,000.00

For the fiscal year ending September 30, 1971 .... 1,750,000.00

(2) For the printing of Legislative Acts and Journals:

For the fiscal year ending September 30, 1970, estimated 100,000.00

For the fiscal year ending September 30, 1971, estimated 50,000.00

(3) For Legislative Council expenses 20,000.00

(4) LEGISLATIVE REFERENCE SERVICE:

For the fiscal year ending September 30, 1970:

For salary of the Director	17,000.00
For other salaries	96,800.00

For other expenses	6,000.00	
For equipment purchases	500.00	
Total		120,300.00
For the fiscal year ending September 30, 1971:		
For salary of the Director	17,000.00	
For other salaries	100,000.00	
For other expenses	6,000.00	
For equipment purchases	500.00	
Total		123,500.00
Commission on Intergovernmental Cooperation:		
For salaries	1,800.00	
For other expenses	3,200.00	
Total		5,000.00
(5) DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:		
For the fiscal year ending September 30, 1970:		
For the salary of the Chief Examiner	19,800.00	
For the salary of the Assistant Chief Examiner	18,800.00	
For other salaries	930,000.00	
For other expenses	266,110.00	
For equipment purchases	4,975.00	
Total		1,239,685.00
For the fiscal year ending September 30, 1971:		
For the salary of the Chief Examiner	19,800.00	
For the salary of the Assistant Chief Examiner	18,800.00	
For other salaries	1,002,000.00	
For other expenses	285,359.00	
For equipment purchases	2,000.00	
For automotive equipment purchases	21,600.00	
Total		1,349,559.00
II. JUDICIAL:		
(1) THE SUPREME COURT:		
For the fiscal year ending September 30, 1970:		
For the salaries of the Chief Justice and six Associate Justices	136,500.00	
For the salary of the Clerk of the Court	15,000.00	
For the salary of the Court Reporters	15,000.00	

For other salaries	217,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases	8,650.00	
Total		419,450.00
For the fiscal year ending September 30, 1971:		
For the salaries of the Chief Justice and six Associate Justices	136,500.00	
For the salary of the Clerk of the Court	15,000.00	
For the salary of the Court Reporter	15,000.00	
For other salaries	217,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases	3,650.00	
Total		414,450.00
For the Supreme Court Library Fund		40,000.00

(2) THE COURT OF APPEALS:

For salaries of the three judges	57,000.00	
For other salaries	87,500.00	
For other expenses	6,500.00	
For printing Appelate Court Reports, Estimated	4,875.00	
For equipment purchases	3,000.00	
Total		158,875.00

(3) THE CIRCUIT COURTS:

For the salaries of the judges of the Circuit Courts, estimated		1,200,000.00
For travel Expenses of circuit judges, estimated		15,000.00
For College of Trial Judges as provided in Act No. 730, 1967 Regular Session		5,000.00
For telephone service, stationery, stamps, law books and other legal publications, and necessary office equipment and supplies for the office use of circuit judges		25,000.00
For the salaries and travel expenses of special judges, estimated		10,000.00
For salaries of District Attorneys, Estimated:		
For the fiscal year ending September 30, 1970	392,400.00	
For the fiscal year ending September 30, 1971	471,450.00	
For salary of the elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	8,500.00	

For the salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00	
For the salary of the First Deputy District Attorney of the Birmingham Division of the 10th Judicial Circuit	5,700.00	
For the salaries of the Second and Third Deputy District Attorneys of the Birmingham Division of the 10th Judicial Circuit	10,000.00	
For the salaries of the Fourth, Fifth, Sixth, Seventh and Eighth Deputy District Attorneys of the Birmingham Division of the 10th Judicial Circuit; $4,000.00 each	20,000.00	
For the salary of the Deputy District Attorney of the 4th Judicial Circuit, Estimated	10,900.00	
For the salaries of the Deputy District Attorneys of the 6th Judicial Circuit	6,750.00	
For the salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00	
For the salary of the Deputy District Attorney of the 8th Judicial Circuit	6,900.00	
For the salaries of the Deputy District Attorneys of the 13th Judicial Circuit	23,600.00	
For the salaries of the Deputy District Attorneys of the 15th Judicial Circuit	13,200.00	
For the salaries of the Deputy District Attorneys of the 16th Judicial Circuit	6,000.00	
For the salaries of the Deputy District Attorneys of the 23rd Judicial Circuit	16,800.00	
For the travel expenses of District Attorneys, estimated	17,000.00	
For the salary of the Stenographic Secretary of the 6th Judicial Circuit	1,200.00	
For telephone service, stationery, stamps, and necessary office supplies for the office use of District Attorneys, deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)	25,000.00	
Total for the fiscal year ending September 30, 1970		574,450.00
Total for the fiscal year ending September 30, 1971		653,500.00

For salary of supernumerary District Attorneys, estimated		20,800.00
For expenses of supernumerary District Attorneys, estimated		6,000.00
(4) COURT REPORTERS:		
For the compensation of the circuit court reporters, estimated		250,000.00
For the compensation of the supernumerary circuit court reporters, estimated		38,400.00
(5) SUPERNUMERARY JUDGES:		
For salaries of supernumerary judges and justices, estimated		64,800.00
For expenses of supernumerary judges and justices, estimated		5,000.00
III. EXECUTIVE:		
A. DEPARTMENTS, BOARDS, BUREAUS, AGENCIES AND COMMISSIONS:		
(1) THE GOVERNOR'S OFFICE:		
For the fiscal year ending September 30, 1970:		
For salary of the Governor	25,000.00	
For salary of the Executive Secretary	15,000.00	
For salary of the Legal Advisor	14,000.00	
For salary of the Press Secretary	13,000.00	
For salary of the Confidential Assistant	12,000.00	
For other salaries	91,500.00	
For other expenses	75,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	3,500.00	
Total		252,000.00
For the fiscal year ending September 30, 1971:		
For the salary of the Governor	25,000.00	
For the salary of the Executive Secretary	15,000.00	
For salary of the Legal Advisor	14,000.00	
For salary of the Press Secretary	13,000.00	
For salary of Confidential Assistant	12,000.00	
For other salaries	91,500.00	
For other expenses	87,500.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	7,500.00	
Total		268,500.00
(2) For the Governor's Emergency Fund, to be expended at the direction of the Governor		45,000.00
For the Governor's Controlled Contingency Fund		45,000.00
(3) For the Mansion Fund		25,000.00
For the Governor's Mansion at Gulf Shores		5,000.00

(4) STATE BOARD OF ADJUSTMENT:

(a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of $200,000 pursuant to Title 55, Section 343 ..... 15,000.00

(b) For expenditures by the Board payable from General Fund under the provisions of Act 208 Special Session 1966 and Act 436 Regular Session 1967, estimated 100,000.00

(5) COMMISSION ON AGING:

For Salaries	29,800.00	
For other expenses	6,000.00	
Total		35,800.00

(6) DEPARTMENT OF ARCHIVES AND HISTORY:

For the salary of the Director	12,000.00	
For other salaries	108,220.00	
For other expenses	17,000.00	
For equipment purchases	3,000.00	
For expenses of printing of the Alabama Historical Quarterly	6,000.00	
Total		146,220.00

(7) ALABAMA COUNCIL ON THE ARTS:

For transfer to the Council on the Arts 50,000.00

For transfer to the Council on the Arts conditional upon the condition of the State Treasury and with the approval of the Governor 50,000.00

(8) OFFICE OF THE ATTORNEY GENERAL:

For transfer to the Office of the Attorney General for the payment of the State's General Fund share of the cost of operation of the Department:

For the fiscal year ending September 30, 1970 ..... 507,700.00
For the fiscal year ending September 30, 1971 ..... 535,100.00

(9) OFFICE OF THE STATE AUDITOR:

For the fiscal year ending September 30, 1970:

For the salary of the State Auditor	15,000.00	
For other salaries	69,100.00	
For other expenses	2,795.00	
For equipment purchases	850.00	
Total		87,745.00

For the fiscal year ending September 30, 1971:

For the salary of the State Auditor	15,000.00	
For other salaries	71,660.00	
For other expenses	2,997.00	
For equipment purchases	500.00	
Total		90,157.00

(10) STATE BANKING DEPARTMENT:

For transfer to the State Banking Department:
For the fiscal year ending September 30, 1970 ..... 50,000.00
For the fiscal year ending September 30, 1971 ..... 75,000.00

(11) BANKING DEPARTMENT-BUREAU OF LOANS:

For transfer to the State Banking Department		32,125.00

(12) BOARD OF EXAMINERS OF BASIC SCIENCE:

For salaries	3,300.00	
For other expenses	1,700.00	
Total		5,000.00

(13) BUILDING COMMISSION:

For salaries, other expenses and equipment purchases		107,500.00

(14) CAHABA HISTORICAL COMMISSION:

To provide for the expenditures authorized by Act No. 486, 1943 Acts, page 449 and an additional amount—Total		5,000.00

(15) DEPARTMENT OF CIVIL DEFENSE:

For the fiscal year ending September 30, 1970:		
For the salary of the Director	12,000.00	
For other salaries	93,000.00	
For other expenses	35,000.00	
For equipment purchases	1,000.00	
For automotive equipment purchases	6,000.00	
Total		147,000.00
For the fiscal year ending September 30, 1971:		
For the salary of the Director	12,000.00	
For other salaries	93,000.00	
For other expenses	35,000.00	
For equipment purchases	2,900.00	
For automotive equipment purchases	3,000.00	
Total		145,900.00

(16) STATE EMPLOYEES INSURANCE BOARD:

For the fiscal year ending September 30, 1970:		
For salaries	23,100.00	
For other expenses	4,190.00	
For equipment purchases	150.00	
Total		27,440.00
For the fiscal year ending September 30, 1971:		
For salaries	23,750.00	
For other expenses	4,350.00	
For equipment purchases	250.00	
Total		28,350.00

(17) FARMERS MARKET AUTHORITY:

For transfer to Farmers Market Authority		35,410.00

(18) DEPARTMENT OF FINANCE:

(a) Director's Office:

For the fiscal year ending September 30, 1970:		
For the salary of the Director	18,000.00	
For salary of the Assistant Director	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For equipment purchases	1,025.00	
Total		56,075.00
For the fiscal year ending September 30, 1971:		
For the salary of the Director	18,000.00	
For the salary of the Assistant Director	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For automotive equipment purchases	3,000.00	
Total		58,050.00

(b) Division of the Budget:

For the fiscal year ending September 30, 1970:		
For salary of the Budget Officer	17,500.00	
For other salaries	47,600.00	
For other expenses	4,000.00	
For equipment purchases	500.00	
Total		69,600.00
For the fiscal year ending September 30, 1971:		
For salary of the Budget Officer	17,500.00	
For other salaries	61,700.00	
For other expenses	4,800.00	
For equipment purchases	500.00	
Total		84,500.00

(c) Division of Control and Accounts:

For the fiscal year ending September 30, 1970:		
For salary of State Comptroller	14,000.00	
For other salaries	216,500.00	
For other expenses	106,300.00	
For equipment purchases	1,000.00	
Total		337,800.00
For the fiscal year ending September 30, 1971:		
For salary of State Comptroller	14,000.00	
For other salaries	221,400.00	
For other expenses	108,000.00	
For equipment purchases	1,000.00	
Total		344,400.00

(d) Legal Division:

For salary of the Chief of the Division	14,000.00	

For other salaries	15,650.00	
For other expenses	6,000.00	
For equipment purchases	600.00	
Total		36,250.00

(e) Management Services Division:

For salaries, other expenses and equipment purchases		100,000.00
For the fiscal year ending September 30, 1970:		
For records retention program	20,000.00	

(f) Division of Purchases and Stores:

For the fiscal year ending September 30, 1970:

For salaries	168,100.00	
For other expenses	22,200.00	
For equipment purchases	1,000.00	
Total		191,300.00

For the fiscal year ending September 30, 1971:

For salaries	171,400.00	
For other expenses	22,400.00	
For equipment purchases	1,000.00	
Total		194,800.00

(g) Division of Service:

For the fiscal year ending September 30, 1970:

For salaries	541,100.00	
For other expenses	215,000.00	
For equipment purchases	5,200.00	
For automotive equipment purchases	4,800.00	
Total		766,100.00

For the fiscal year ending September 30, 1971:

For salaries	548,800.00	
For other expenses	215,000.00	
For equipment purchases	8,000.00	
For automotive equipment purchases	2,000.00	
Total		773,800.00

(h) For equipment purchases in the State Offices for the Executive, Administrative and Judicial Department 10,000.00

(19) GORGAS MEMORIAL BOARD:

To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383, and an additional amount—Total 9,500.00

(20) HALL OF FAME BOARD:

For payment of expenses of the Board 750.00

(21) DEPARTMENT OF HEALTH:

(a) For Air Pollution:

For salaries	32,100.00	

For other expenses	10,000.00	
For equipment purchases	2,500.00	
Total		44,600.00
(b) For study, care and treatment of cancer		140,000.00
(c) For County Health Work:		
For transfer to the County Health Work Account		375,000.00
(d) For Dental Program:		
For salaries	33,700.00	
For other expenses	17,200.00	
For County Clinics	40,000.00	
Total		90,900.00
(e) For General Health Work:		
For other salaries	809,000.00	
For other expenses	230,000.00	
Total		1,039,000.00
(This appropriation includes the operations of the Branch Laboratories in Birmingham and Mobile.)		
(f) For Health Facilities Construction:		
For salaries	34,650.00	
For other expenses	7,150.00	
Total		41,800.00
(g) For Hospital Care of the Indigent:		
For transfer to the Hospital Care of the Indigent Account		250,000.00
(h) Hospital Licensing:		
For transfer to the Hospital Licensing Account		21,500.00
(i) Medicaid:		
For transfer to Medicaid Account:		
For the fiscal year ending September 30, 1970		12,000,000.00
For the fiscal year ending September 30, 1971		17,000,000.00
(j) For Polio Program and Tuberculosis Drugs:		
For the purchase of Polio Vaccine and Tuberculosis Drugs		50,000.00
(k) For Pollution Control:		
For salaries	133,750.00	
For other expenses	11,500.00	
For Contract with Alabama Geological Survey for Stream studies	13,500.00	
Total		158,750.00
(l) For Radiation Control:		
For salaries	29,850.00	
For other expenses	24,750.00	
Total		54,600.00

(m) For Tuberculosis Testing:

For salaries	70,700.00	
For other expenses	50,000.00	
For equipment purchases	2,500.00	
Total		123,200.00

(n) For Tuberculosis and Chronic Lung Disorders Treatment:

For the care and treatment of patients with tuberculosis and Chronic Lung Disorders in the several Tuberculosis Hospitals in the State and for administrative cost not to exceed $276.00 per licensed bed as provided in Act No. 272, 1966 Special Session. Provided, however, that not more than 5% of this appropriation may be used for the treatment of disease other than tuberculosis 3,297,530.00

(o) For Venereal Disease Control:

For salaries	35,400.00	
For other expenses	16,500.00	
Total		51,900.00

(22) OFFICE OF HIGHWAY AND TRAFFIC SAFETY:

For transfer to Office of Highway and Traffic Safety 50,000.00

(23) ALABAMA HISTORICAL COMMISSION:

For transfer to Alabama Historical Commission:
For the fiscal year ending September 30, 1970 .... 68,035.00
For the fiscal year ending September 30, 1971 .... 69,135.00

(24) RICHMOND PEARSON HOBSON MEMORIAL BOARD:

To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount—Total 9,500.00

(25) INDUSTRIAL DEVELOPMENT BOARD:

(a) For the fiscal year ending September 30, 1970:

For salary of the Director	13,000.00	
For other salaries	187,250.00	
For other expenses and for National Advertising Promotion	254,700.00	
For Contracts for evaluating, research and development of Inventions	25,000.00	
For equipment purchases	15,000.00	
Total		494,950.00

For the fiscal year ending September 30, 1971:

For salary of the Director	13,000.00	
For other salaries	198,000.00	
For other expenses and for National Advertising Promotion	262,700.00	

For Contracts for evaluating, research and development of Inventions	25,000.00	
For equipment purchases	2,000.00	
For automotive equipment purchases	3,000.00	
Total		503,700.00

(b) PLANNING AND INDUSTRIAL DEVELOPMENT BOARD:

Community Planning:

For the fiscal year ending September 30, 1970:

For other salaries	164,000.00	
For other expenses	100,000.00	
For equipment purchases	10,000.00	
For Contracts	25,000.00	
Total		299,000.00

For the fiscal year ending September 30, 1971:

For other salaries	190,750.00	
For other expenses	100,000.00	
For equipment purchases	5,000.00	
For Contracts	25,000.00	
Total		320,750.00

(26) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salaries	244,200.00	
For other expenses	57,000.00	
For automotive equipment purchases	2,500.00	
Total		303,700.00

(27) DEPARTMENT OF INSURANCE:

For the fiscal year ending September 30, 1970:

For salary of the Director	13,000.00	
For other salaries	302,200.00	
For other expenses	95,000.00	
For equipment purchases	1,000.00	
Total		411,200.00

For the fiscal year ending September 30, 1971:

For salary of the Director	13,000.00	
For other salaries	304,500.00	
For other expenses	95,000.00	
For equipment purchases	1,000.00	
Total		413,500.00

(28) STATE LABOR DEPARTMENT:

For the fiscal year ending September 30, 1970:

For salary of the Director	12,000.00	
For other salaries	74,000.00	
For other expenses	22,000.00	

For equipment purchases	500.00	
For automotive equipment purchases	2,500.00	
Total		111,000.00

For the fiscal year ending September 30, 1971:

For salary of the Director	12,000.00	
For other salaries	74,000.00	
For other expenses	22,000.00	
For equipment purchases	500.00	
Total		108,500.00

(29) LAGRANGE HISTORICAL COMMISSION:

To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, Page 540 ..... 1,800.00

(30) LIVESTOCK COLISEUM:

For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum:

For the fiscal year ending September 30, 1970	69,605.00
For the fiscal year ending September 30, 1971	59,105.00

(31) PUBLIC LIBRARY SERVICE DIVISION:

(a) For salaries	46,500.00	
For other expenses	22,000.00	
For Books & Periodicals	175,000.00	
Total		243,500.00
(b) For transfer to Alabama Public Library Service Federal Acount—Title II		6,000.00

(32) MILITARY DEPARTMENT:

(a) For operation of the Department:

For the fiscal year ending September 30, 1970:

For the salary of the Adjutant General	14,000.00	
For other salaries	372,800.00	
For other expenses	90,000.00	
For equipment purchases	5,000.00	
For automotive equipment purchases	2,000.00	
Total		483,800.00

For the fiscal year ending September 30, 1971:

For the salary of the Adjutant General	14,000.00	
For other salaries	380,000.00	
For other expenses	90,000.00	
For equipment purchases	5,000.00	
For automotive equipment purchases	2,000.00	
Total		491,000.00

(b) For Quarterly Allowances 273,000.00

Provided that not more than $5,000.00 may be allotted in any fiscal year for the Headquarters, Alabama National Guard, and not more than $1,500.00 may be allotted in any fiscal year for the Division Headquarters.

(c) For Active Military Service—Active National Guard 72,000.00

(d) For transfer to the Armory Commission—For care and maintenance of armories:

For the fiscal year ending September 30, 1970 651,400.00
For the fiscal year ending September 30, 1971 662,500.00

(33) UNIVERSITY OF ALABAMA-MUSEUM FUND:

For operation and maintenance 38,000.00

(34) DEPARTMENT OF PENSIONS AND SECURITY:

For transfer to the Department of Pensions and Security for the support, maintenance and operations of the functions of Pensions and Security 10,000,000.00

(35) PERSONNEL DEPARTMENT:

For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department.

For the fiscal year ending September 30, 1970 ..... 52,200.00
For the fiscal year ending September 30, 1971 ..... 54,100.00

(36) COMMISSION ON PHYSICAL FITNESS:

For salaries	19,800.00	
For other expenses	5,000.00	
Total		24,800.00

(37) COMMISSION TO PRESERVE THE PEACE:

For the fiscal year ending September 30, 1970:

For salaries	19,600.00	
For other expenses	20,000.00	
Total		39,600.00

For the fiscal year ending September 30, 1971:

For salaries	20,700.00	
For other expenses	20,000.00	
Total		40,700.00

(38) ALABAMA PROGRAM DEVELOPMENT OFFICE:

For transfer to Alabama Program Development Office 115,000.00

(39) BUREAU OF PUBLICITY AND INFORMATION:

For the salary of the Director	12,000.00
For other salaries	35,500.00
For other expenses	40,000.00

For equipment purchases	1,000.00	
For Mobile Junior Miss Pageant	14,250.00	
For Guntersville Boat Races	9,500.00	
For the Blue and Gray Football Game	10,000.00	
For the Lake Eufaula Festival	10,000.00	
For Promotion of Ava Maria Grotto	2,500.00	
Total		134,750.00

(40) DEPARTMENT OF PUBLIC SAFETY:

For the fiscal year ending September 30, 1970:		
For the salary of the Director	14,000.00	
For other salaries	6,150,000.00	
For other expenses	1,370,000.00	
For Workman's Compensation Insurance, Estimated	60,000.00	
For equipment purchases	100,000.00	
For automotive equipment purchases	700,000.00	
Total		8,394,000.00
For the fiscal year ending September 30, 1971:		
For the salary of the Director	14,000.00	
For other salaries	6,260,000.00	
For other expenses	1,420,000.00	
For Workman's Compensation Insurance—Estimated	60,000.00	
For equipment purchases	100,000.00	
For automotive equipment purchases	700,000.00	
Total		8,554,000.00

(41) DEPARTMENT OF REVENUE:

(a) For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department, For the fiscal year ending September 30, 1970		763,488.00
For the fiscal year ending September 30, 1971		796,944.00
For the fiscal year ending September 30, 1971, only, conditional upon the condition of the State treasury and with the approval of the Governor		1,000,000.00
(b) Boards of Equalization:		
For salaries of the members and employees of the county boards of equalization	120,000.00	
For other expenses	3,200.00	
Total		123,200.00

(42) OFFICE OF SECRETARY OF STATE:

(a) For the fiscal year ending September 30, 1970:		
For the salary of the Secretary of State	15,000.00	
For other salaries	43,800.00	

For other expenses	8,000.00	
For equipment purchases	1,000.00	
Total		67,800.00

For the fiscal year ending September 30, 1971:

For salary of the Secretary of State	15,000.00	
For other salaries	45,400.00	
For other expenses	8,000.00	
For equipment purchases	1,000.00	
Total		69,400.00

(b) Uniform Commercial Code:

For the fiscal year ending September 30, 1970:

For other salaries	30,500.00	
For other expenses	8,000.00	
For equipment purchases	6,000.00	
Total		44,500.00

For the fiscal year ending September 30, 1971:

For other salaries	32,000.00	
For other expenses	8,000.00	
For equipment purchases	1,000.00	
Total		41,000.00

(43) SECURITIES COMMISSION:

For salaries	67,800.00	
For other expenses	5,000.00	
For equipment purchases	2,500.00	
For automotive equipment purchases	2,500.00	
Total		77,800.00

(44) SOCIAL SECURITY ADMINISTRATION:

For the fiscal year ending September 30, 1970:

For salaries	74,400.00	
For other expenses	15,500.00	
For equipment purchases	1,000.00	
Total		90,900.00

For the fiscal year ending September 30, 1971:

For other salaries	75,800.00	
For other expenses	15,500.00	
For equipment purchases	500.00	
Total		91,800.00

(45) STATE SOVEREIGNTY COMMISSION:

To carry out the provisions of Act No. 514 of the 1963 Regular Session	50,000.00

(46) SPORTS HALL OF FAME BOARD:

To carry out provisions of Act No. 225, 1967 Regular Session 25,000.00

(47) STATE TOXICOLOGIST:

For the fiscal year ending September 30, 1970:

For the salary of the State Toxicologist	15,000.00	
For other salaries	234,000.00	
For other expenses	40,000.00	
For equipment purchases	4,000.00	
For automotive equipment purchases	11,000.00	
Total		304,000.00

For the fiscal year ending September 30, 1971:

For the salary of the State Toxicologist	15,000.00	
For other salaries	250,000.00	
For other expenses	40,000.00	
For equipment purchases	4,000.00	
For automotive equipment purchases	11,000.00	
Total		320,000.00

(48) OFFICE OF THE STATE TREASURER:

For the fiscal year ending September 30, 1970:

For the salary of the State Treasurer	15,000.00	
For other salaries	185,000.00	
For other expenses	53,000.00	
For equipment purchases	6,500.00	
Total		259,500.00

For the fiscal year ending September 30, 1971:

For the salary of the State Treasurer	15,000.00	
For other salaries	194,000.00	
For other expenses	55,000.00	
For equipment purchases	6,500.00	
For automotive equipment purchases	2,500.00	
Total		273,000.00

(49) UNIVERSITY OF ALABAMA—UNIVERSITY HOSPITAL & CLINICS:

For operation and maintenance 1,000,000.00

(50) DEPARTMENT OF VETERANS' AFFAIRS:

For the fiscal year ending September 30, 1970:

For the salary of the Service Commissioner	13,000.00
For other salaries	691,500.00
For other expenses	50,000.00

For equipment purchases	1,000.00	
For automotive equipment purchases	4,000.00	
For Contract with Veterans of Foreign Wars Organization	22,150.00	
For Contract with Disabled American Veterans Organization	5,550.00	
Total		787,200.00
For the fiscal year ending September 30, 1971:		
For the salary of the Service Commissioner	13,000.00	
For other salaries	732,200.00	
For other expenses	50,000.00	
For equipment purchases	1,000.00	
For automotive equipment purchases	4,000.00	
For Contract with Veterans of Foreign Wars Organization	22,150.00	
For Contract with Disabled American Veterans Organization	5,550.00	
Total		827,900.00
(51) FIRST WHITE HOUSE OF THE CONFEDERACY:		
For salaries and other expenses		8,500.00
B. DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES:		
(1) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:		
For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the Department of Agriculture and Industries:		
For the fiscal year ending September 30, 1970		1,820,860.00
For the fiscal year ending September 30, 1971		1,880,720.00
(2) AGRICULTURE CENTER BOARD:		
For transfer to the Agriculture Center Board for salaries and other expenses		29,350.00
(3) DEPARTMENT OF CONSERVATION:		
(a) For transfer to Department of Conservation—State Forestry Fund—For salaries, other expenses and equipment purchases for the Division of State Forestry:		
For the fiscal year ending September 30, 1970		827,000.00
For the fiscal year ending September 30, 1971		1,093,000.00
(b) For transfer to Department of Conservation—State Land Funds—For salaries, other expenses and equipment purchases for the State Lands Division		33,000.00
(4) FORT MORGAN HISTORICAL COMMISSION:		
For salaries	29,800.00	
For other expenses	13,100.00	
For equipment purchases	1,500.00	
Total		44,400.00

(5) GEOLOGICAL SURVEY:

For the fiscal year ending September 30, 1970:		
For the salary of the State Geologist	14,000.00	
For other salaries	255,800.00	
For other expenses	75,000.00	
For equipment purchases	5,000.00	
For automotive equipment purchases	7,500.00	
For matching Federal funds for investigation of the surface water and ground water resources of the State	137,500.00	
For matching Federal funds for topographic mapping	25,000.00	
For test drilling	20,000.00	
Total		539,800.00
For the fiscal year ending September 30, 1971:		
For the salary of the State Geologist	14,000.00	
For other salaries	256,500.00	
For other expenses	75,000.00	
For equipment purchases	5,000.00	
For automotive equipment purchases	7,500.00	
For matching Federal funds for investigation of the surface water and ground water resources of the State	137,500.00	
For matching Federal Funds for topographic mapping	25,000.00	
For test drilling	20,000.00	
Total		540,500.00

(6) OIL AND GAS BOARD:

For the fiscal year ending September 30, 1970:		
For salaries	229,700.00	
For other expenses	65,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	2,000.00	
For salaries, other expenses and equipment purchases to be allotted upon opening of New Oil and Gas Fields	20,000.00	
Total		319,700.00
For the fiscal year ending September 30, 1971:		
For salaries	247,500.00	
For other expenses	65,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	2,000.00	
For salaries, other expenses and equipment purchases to be allotted upon opening of New Oil and Gas Fields	20,000.00	
Total		337,500.00

(7) STATE SOIL CONSERVATION COMMITTEE:

For salaries	30,900.00	
For other expenses	50,000.00	
For equipment purchases	500.00	
For Watershed Planning Party	40,000.00	
Soil and Water Conservation District-Watershed Planning Funds	35,000.00	
Total		156,400.00

(8) WATERSHED CONSERVANCY DISTRICTS:

(1) Bear Creek Watershed	25,000.00
(2) Choccolocco Watershed	4,000.00
(3) Crooked Creek Watershed	2,500.00
(4) Ketchepedrakee Watershed	2,500.00
(5) Line Creek Watershed	2,000.00
(6) Terrapin Creek Watershed	10,000.00

C. HOSPITAL AND CORRECTIONAL FUNCTIONS:

(1) ARREST OF ABSCONDING FELONS:

For expenses incident to the arrest of absconding felons, estimated	2,000.00

(2) BOARD OF CORRECTIONS:

For transfer to Board of Corrections:	
For the fiscal year ending September 30, 1970	4,830,000.00
For the fiscal year ending September 30, 1971	4,850,000.00

(3) FEEDING OF PRISONERS:

For expenses of feeding prisoners in county jails, estimated	1,000,000.00

(4) JUVENILE PROBATION OFFICERS:

Estimated	150,000.00
(To carry out the provisions of Act No. 880, 1965 Reg. Sess.)	

(5) MENTAL HEALTH:

For transfer to Special Mental Health Fund:	
For the fiscal year ending September 30, 1970	14,250,000.00
For the fiscal year ending September 30, 1971	14,750,000.00

(6) BOARD OF PARDONS AND PAROLES:

For the fiscal year ending September 30, 1970:

For salaries of Board Members	45,000.00	
For other salaries	978,800.00	
For other expenses	121,000.00	
For equipment purchases	7,000.00	
For automotive equipment purchases	7,000.00	
Total		1,158,800.00

For the fiscal year ending September 30, 1971:

For salaries of Board Members	45,000.00
For other salaries	1,010,000.00
For other expenses	121,000.00

For equipment purchases	7,000.00	
For automotive equipment purchases	7,000.00	
Total		1,190,000.00

(7) REMOVAL OF PRISONERS:

For expenses incident to removal of prisoners, estimated	65,000.00

D. DEBT SERVICE:

(1) For the payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII:	
For the fiscal year ending September 30, 1970	268,675.00
For the fiscal year ending September 30, 1971	267,450.00
(2) For the payment of principal and interest on bonds issued for hospital construction pursuant to Constitutional Amendment No. CXXI and Constitutional Amendment No. CLVIII:	
For the fiscal year ending September 30, 1970	225,692.50
For the fiscal year ending September 30, 1971	230,025.00
(3) For interest on Spanish American War Veterans Fund, estimated	294.86
(4) For the payment of principal and interest due on bonds issued by State Docks—Inland Waterways, pursuant to Constitutional Amendment No. CXVI:	
For the fiscal year ending September 30, 1970	927,417.50
For the fiscal year ending September 30, 1971	940,273.75
(5) For the payment of principal and interest due on bonds issued for the Space Exhibit Commission pursuant to Constitutional Amendment No. CCXXIV:	
For the fiscal year ending September 30, 1970	227,580.00
For the fiscal year ending September 30, 1971	226,280.00

E. MISCELLANEOUS:

(1) Alabama Academy of Honor (Pursuant to provisions of Act No. 15, Third Special Session 1965)	2,000.00
(2) For advertising lands for tax sale, estimated	12,000.00
(3) Alabama Agricultural and Industrial Exhibit Commission	32,500.00
(4) Appalachain Regional Development Program:	
For the fiscal year ending September 30, 1970	113,673.75
For the fiscal year ending September 30, 1971	87,891.25
(5) For payment of Attorneys fees in indigent capital cases (as provided in Act No. 176, 1947 Acts, page 61), estimated	35,000.00
(6) Automatic Appeal Expense as provided in 1943, Acts of Legislature, page 217, estimated	3,000.00

(7) For Civil Court Cost in connection with Ad Valorem tax assessment appeals, estimated 100.00

(8) Council of State Governments 21,625.00

(9) For Court Costs to be paid by the State of Alabama, pursuant to Act No. 558, 1957 Acts, page 777, estimated 240,000.00

(10) For Court Costs to be paid by the State of Alabama not otherwise provided for, estimated 65,000.00

(11) Departmental Emergency Fund 150,000.00
This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.

(12) Department of Finance—Mail and Supply Room:
For the fiscal year ending Septtmber 30, 1970 ..... 35,000.00

(13) For distribution of public documents, estimated 9,000.00

(14) Election expenses, estimated:
For the fiscal year ending September 30, 1970 ..... 400,000.00
For the fiscal year ending September 30, 1971 ..... 500,000.00
This appropriation made pursuant to provisions of Act No. 160, 1955 Acts, page 407, for costs and expenses of elections.

(15) State Employees Insurance:
To pay the State's share of the State Employees Insurance Program, estimated 225,000.00

(16) Employees' Retirement Fund State's part, estimated 1,000,000.00

(17) For expenses of Governor's Proclamations, estimated 100,000.00

(18) National Governor's Conference 6,000.00

(19) Governor's Retirement, estimated 9,000.00

(20) For Helen Keller Home:
For Operation and Maintenance 2,500.00

(21) Interpreter's Account, estimated 100.00
(To carry out provisions of Act No. 799, 1965 Reg. Sess.)

(22) Southern Interstate Nuclear Board 8,902.00

(23) Law Enforcement Legal Defense, estimated 10,000.00
(To carry out provisions of Act No. 259, Regular Session 1967)

(24) Alabama Law Institute 75,000.00

(25) For Mailing Tax Notices, estimated 5,000.00

(26) For Alabama Mountain Lakes Association 5,000.00

(27) Purchase Code Pocket Supplement,
For the fiscal year ending September 30, 1970, estimated 60,000.00

(28) For printing of State and County Privilege Licenses, estimated 7,500.00

(29) Southern Regional Educational Board 8,000.00

(30) For Registration of Voters, estimated 150,000.00

(31) For State's share of Social Security, estimated
For the fiscal year ending September 30,1970 ..... 450,000.00
For the fiscal year ending September 30, 1971 ..... 500,000.00

(32) For Spanish War Veterans and Widows Encampment 1,000.00

(33) For Tallacoosa Highland Lake Association 5,000.00

(34) Telephone Revolving Fund:
For the fiscal year ending September 30, 1970 ..... 10,000.00

(35) Tennessee River Development Authority 5,000.00

(36) Tennessee-Tombigbee Waterway Development Authority 80,000.00
(To carry out the provisions of Act No. 355, 1957 Reg. Sess., approved August 23, 1957.)

(37) Commission on Uniform State Laws 4,000.00
Total amount appropriated by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission.

(38) For Matching Federal Funds not otherwise provided for, conditional upon the condition of the State treasury and with the approval of the Governor 100,000.00

(39) CIVIL AIR PATROL:

For the fiscal year ending September 30, 1970:

For salaries	4,400.00
For other expenses	11,600.00
For equipment purchases	9,000.00
Total	25,000.00

For the fiscal year ending September 30, 1971:

For salaries	4,400.00
For other expenses	16,100.00
For equipment purchases	4,500.00
Total	25,000.00

(40) ALABAMA SPACE SCIENCE EXHIBIT COMMISSION:

For operation and maintenance,
For the fiscal year ending September 30, 1970 ..... 120,000.00
(This appropriation to be conditional upon the condition of the State treasury and with the approval of the Governor.)

(41) Coosa-Alabama Development Authority 12,500.00

(42) Alabama State Steer Show Association 10,000.00
(The above appropriation to be administered by the Department of Agriculture and Industries in conjunction with the Alabama State Steer Show Association in the promotion and development of livestock exhibits.

F. FROM FUNDS OTHER THAN GENERAL FUND:

(1) ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:

For salaries, other expenses and equipment purchases 24,000.00

In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may

have been rejected by the Board or withdrawn by request of applicant.

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

(2) AERONAUTICS DEPARTMENT:

For the fiscal year ending September 30, 1970:		
For the salary of Director	12,000.00	
For other salaries	46,500.00	
For other expenses	25,412.00	
For equipment purchases	1,500.00	
Total		85,412.00
For State Aid for Airports—For Airports and Airmarkings		350,000.00
For the fiscal year ending September 30, 1971:		
For the salary of Director	12,000.00	
For other salaries	47,700.00	
For other expenses	25,412.00	
For equipment purchases	1,500.00	
For automotive equipment purchases	2,500.00	
Total		89,112.00
For State Aid for Airports—For Airports and Airmarkings		350,000.00

The above appropriation to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) AGRICULTURE AND INDUSTRIES:

(a) For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	15,000.00	
For other salaries, other expenses, equipment purchases, and automotive equipment purchases	2,761,300.00	
(Provided that not more than $60,000.00 shall be used for automotive equipment purchases.)		
For transfer to Agricultural Center Board for rental (Livestock Coliseum)	62,550.00	
For transfer to the State Personnel Department	5,310.00	
Total		2,844,160.00
For the fiscal year ending September 30, 1971:		
For the salary of the Commissioner	15,000.00	

For other salaries, other expenses, equipment purchases, and automotive equipment purchases	2,813,300.00	
(Provided that not more than $60,000.00 shall be used for automotive equipment purchases.)		
For transfer to Agricultural Center Board for rental (Livestock Coliseum)	61,200.00	
For transfer to the State Personnel Department	5,520.00	
Total		2,895,020.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriations made to said fund in III B (1).

The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables, for awarding prizes and premiums, and any other services connected with the operations of Agriculture and Industries in the State of Alabama.

Any surplus remaining in the Agricultural Fund at the end of a fiscal year in excess of $100,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries	59,400.00	
For other expenses	28,000.00	
For equipment purchases	200.00	
For automotive equipment purchases	3,800.00	
Total		91,400.00

The above appropriations are payable from funds in the Egg Inspection Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(c) 1. Agriculture Center Board:

For the fiscal year ending September 30, 1970:		
For salaries	21,700.00	
For other expenses	6,000.00	
For rental (Livestock Coliseum, Montgomery)	62,550.00	
Total		90,250.00

For the fiscal year ending September 30, 1971:		
For salaries	21,700.00	
For other expenses	6,000.00	
For rental (Livestock Coliseum, Montgomery)	61,200.00	
Total		88,900.00

The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in III B (2) and III F (3).

2. Livestock Coliseum:

For the fiscal year ending September 30, 1970:		
For salaries	48,700.00	
For other expenses	57,250.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	3,000.00	
For repairs to Coliseum	12,000.00	
Total		123,950.00
For the fiscal year ending September 30, 1971:		
For salaries	50,000.00	
For other expenses	57,250.00	
For equipment purchases	3,500.00	
For automotive equipment purchases	2,500.00	
Total		113,250.00

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation hereinabove includes the appropriation made to said Fund as provided in III A (30).

(d) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956). For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, equipment purchases and automotive equipment purchases all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates

to be used for the sale of agricultural commodities, (provided that automotive equipment purchases shall not exceed the sum of $2,000.00 for each of the fiscal years ending September 30, 1970, and September 30, 1971.)

(4) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For the fiscal year ending September 30, 1970:

For the salary of the Administrator	15,000.00	
For other salaries	5,831,000.00	
For other expenses (Transportation cost for merchandise excluded)	1,363,316.00	
For equipment purchases	73,764.00	
For automotive equipment purchases	2,500.00	
Awards for Convictions, estimated	3,000.00	
For transfer to State Personnel Department	19,900.00	
For transfer to Mental Health Department	300,000.00	
For Transfer to Education Department for Temperance Education	46,936.00	
For transportation cost on merchandise, estimated	240,000.00	
Total Estimated		7,895,416.00

For the fiscal year endnig September 30, 1971:

For the salary of the Administrator	15,000.00	
For other salaries	6,000,000.00	
For other expenses (Transportation cost for merchandise excluded)	1,427,516.00	
For equipment purchases	56,000.00	
For automotive equipment purchases	2,500.00	
Awards for Convictions, estimated	3,000.00	
For transfer to State Personnel Department	20,660.00	
For transfer to Mental Health Department	300,000.00	
For transfer to Education Department for Temperance Education	46,936.00	
For transportation cost on merchandise, estimated	247,000.00	
Total Estimated		8,118,612.00

In addition to the above appropriations herein made there is hereby appropriated for each additional retail store put into operation during each fiscal year, an amount equal to the sum required to install and operate

the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For the fiscal year ending September 30, 1970:

For salaries	1,070,000.00	
For other expenses	276,250.00	
For equipment purchases	7,000.00	
For automotive equipment purchases	50,000.00	
Total		1,403,250.00

For the fiscal year ending September 30, 1971:

For salaries	1,086,000.00	
For other expenses	293,750.00	
For equipment purchases	7,000.00	
For automotive equipment purchases	50,000.00	
Total		1,436,750.00

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For the fiscal year ending September 30, 1970:

For salaries	377,500.00	
For other expenses	139,640.00	
For equipment purchases	2,000.00	
Total		519,140.00

For the fiscal year ending September 30, 1971:

For salaries	415,800.00	
For other expenses	149,440.00	
For equipment purchases	2,000.00	
Total		567,240.00

In addition to the above appropriation it is further provided that, in the event any county or municipality of the State shall, during either of the fiscal periods covered by this appropriation by proper referendum authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addi-

tion to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during either of the fiscal periods covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(5) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	6,420.00	
For other expenses	12,500.00	
For equipment purchases	500.00	
Total		19,420.00

The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(6) ARMORY COMMISSION:

For the fiscal year ending September 30, 1970:		
For salaries	360,600.00	
For other expenses	355,300.00	
For equipment purchases	13,200.00	
For automotive equipment purchases	11,800.00	
Total		740,900.00
For the fiscal year ending September 30, 1971:		
For salaries	370,200.00	
For other expenses	355,300.00	
For equipment purchases	13,200.00	
For automotive equipment purchases	11,800.00	
Total		750,500.00

The funds hereinabove appropriated to the Amory Commission shall be paid out of the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories as provided in Item III A (32) (d) in this Act. Provided, however, that the last Federal Government service contract reimbursement for either of the fiscal years shall not revert to the State General Fund.

(7) ALABAMA COUNCIL ON THE ARTS:

For salaries, other expenses, and equipment purchases, Estimated	50,000.00

The funds hereinabove appropriated to the Alabama Council on the Arts shall be paid out of the Council on the Arts Fund and the appropriation hereinabove made includes the appropriation made in Section III, A (7).

(8) OFFICE OF THE ATTORNEY GENERAL:

For the fiscal year ending September 30, 1970:

For the salary of the Attorney General	18,000.00	
For salary of the Deputy Attorney General	17,000.00	
For salary of the Executive Assistant	15,000.00	
For other salaries	412,000.00	
For other expenses	100,000.00	
For equipment purchases	5,000.00	
Total		567,000.00

For the fiscal year ending September 30, 1971:

For the salary of the Attorney General	18,000.00	
For salary of the Deputy Attorney General	17,000.00	
For salary of the Executive Assistant	15,000.00	
For other salaries	438,000.00	
For other expenses	100,000.00	
For equipment purchases	5,000.00	
Total		593,000.00

The above appropriations shall be paid from funds transferred to, or received by, the Office of the Attorney General provided in this or any other Act.

(9) DEPARTMENT OF BANKING:

For salary of the Director	15,000.00	
For other salaries	240,800.00	
For other expenses	50,000.00	
For equipment purchases	500.00	
For automotive equipment purchases	3,000.00	
Total		309,300.00

The above appropriation shall be paid from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made in Item III A (10) of this Act.

(10) DEPARTMENT OF BANKING—LOAN EXAMINATION FUND:

For salaries	72,750.00	
For other expenses	18,000.00	
For equipment purchases	500.00	
Total		91,250.00

The above appropriation shall be paid out of the

Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959 and shall also include the appropriation in Section III A (11) of this Act.

(11) ALABAMA STATE BAR ASSOCIATION:

For salaries	46,025.00	
For other expenses	71,600.00	
For equipment purchases	1,000.00	
Total		118,625.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(12) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries	1,800.00	
For other expenses	4,275.00	
Total		6,075.00

The above appropriation shall be paid out of the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(13) CONSERVATION DEPARTMENT:

(a) Administrative Division:

For the fiscal year ending September 30, 1970:		
For salary of the Director	14,000.00	
For other salaries	401,250.00	
For other expenses	140,000.00	
For equipment purchases	2,500.00	
For automotive equipment purchases	4,500.00	
For transfer to Personnel Department	14,900.00	
For transfer to Attorney General's Department	15,000.00	
Total		592,150.00
For the fiscal year ending September 30, 1971:		
For salary of the Director	14,000.00	
For other salaries	428,000.00	
For other expenses	140,000.00	
For equipment purchases	4,500.00	
For automotive equipment purchases	2,500.00	
For transfer to Personnel Department	15,470.00	
For transfer to Attorney General's Department	15,000.00	
Total		619,470.00

The above appropriation shall be paid out of the Department of Conservation—Administrative Fund and includes the appropriations made to this Division as provided in this section.

(b) State Forestry Division:

For the fiscal year ending September 30, 1970:

For salaries	2,327,000.00	
For other expenses	475,000.00	
For equipment purchases	15,000.00	
For automotive equipment purchases	85,000.00	
For transfer to Conservation Department-Administrative Account	212,190.00	
Total		3,114,190.00

For the fiscal year ending September 30, 1971:

For salaries	2,381,000.00	
For other expenses	475,000.00	
For equipment purchases	15,000.00	
For automotive equipment purchases	85,000.00	
For transfer to Conservation Department-Administrative Account	212,190.00	
Total		3,168,190.00

The funds hereinabove appropriated to the Forestry Division shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III, B (3) (a) of this Act. It is provided that in the event receipts into the Forestry Fund from County appropriations exceed the sum of $400,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Fund from Federal Funds exceed the sum of $535,900.00 for the fiscal year ending September 30, 1970 and September 30, 1971, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of Conservation and the Governor, the Director of Conservation with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry.

(c) Game and Fish Division:

For the fiscal year ending September 30, 1970:

For salaries	1,605,000.00	
For other expenses	760,000.00	
For equipment purchases	104,000.00	
For automotive equipment purchases	121,000.00	
For transfer to Conservation Department-Administrative Account	224,591.00	
Total		2,814,591.00

For the fiscal year ending September 30, 1971:		
For salaries	1,685,000.00	
For other expenses	761,000.00	
For equipment purchases	95,000.00	
For automotive equipment purchases	117,000.00	
For transfer to Conservation Department-Administrative Account	224,591.00	
Total		2,882,591.00

The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.

(d) State Lands Division:

For the fiscal year ending September 30, 1970:		
For salaries	55,000.00	
For other expenses	14,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	2,500.00	
For transfer to Conservation Department-Administrative Account	5,575.00	
Total		80,075.00
For the fiscal year ending September 30, 1971:		
For salaries	56,000.00	
For other expenses	16,000.00	
For equipment purchases	1,200.00	
For automotive equipment purchases	4,300.00	
For transfer to Conservation Department-Administrative Account	5,575.00	
Total		83,075.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III B (3) (b) of this Act.

(e) State Parks Division:

For the fiscal year ending September 30, 1970:		
For salaries	455,000.00	
For other expenses	260,000.00	
For equipment purchases	11,000.00	
For automotive equipment purchases	14,000.00	
For transfer to Conservation Department-Administrative Account	88,748.00	
Total		828,748.00
For the fiscal year ending September 30, 1971:		
For salaries	481,500.00	

For other expenses	260,000.00	
For equipment purchases	11,000.00	
For automotive equipment purchases	14,000.00	
For transfer to Conservation Department-Administrative Account	88,748.00	
Total		855,248.00

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund.

(f) Seafoods Division:

For the fiscal year ending September 30, 1970:

For salaries	250,000.00	
For other expenses	105,000.00	
For equipment purchases	27,700.00	
For automotive equipment purchases	2,300.00	
For transfer to Conservation Department-Administrative Account	54,198.00	
For Gulf State Marine Fisheries Commission	5,000.00	
For entertainment of the Gulf State Fisheries Convention	1,200.00	
Total		445,398.00

For the fiscal year ending September 30, 1971:

For salaries	261,000.00	
For other expenses	110,000.00	
For equipment purchases	20,000.00	
For automotive equipment purchases	10,000.00	
For transfer to Conservation Department-Administrative Account	54,198.00	
For Gulf State Marine Fisheries Commission	5,000.00	
Total		460,198.00

In addition to the monies hereinabove appropriated, all monies derived from contracts, grants, or other agreements concerning or relating to marine biological research performed or accomplished at the Seafood Division Laboratory at Daphne Island is hereby appropriated to the Division of Seafoods and may be expended by the Director of Conservation on such Seafood Division Programs or projects which he deems appropriate.

The funds hereinabove appropriated to the Seafood Division shall be paid out of the Seafood Fund.

(g) Water Safety Division:

For the fiscal year ending September 30, 1970:

For salaries	325,000.00	

For other expenses	129,000.00	
For equipment purchases	33,000.00	
For automotive equipment purchases	27,000.00	
For transfer to Conservation Department-Administrative Account	41,698.00	
Total		555,698.00

For the fiscal year ending September 30, 1971:

For salaries	345,000.00	
For other expenses	130,000.00	
For equipment purchases	22,000.00	
For automotive equipment purchases	18,000.00	
For transfer to Conservation Department-Administrative Account	41,698.00	
Total		556,698.00

The funds hereinabove appropriated to the Water Safety Division shall be paid out of the State Water Safety Fund.

(14) STATE LICENSING BOARD FOR GENERAL CONTRACTORS:

For the fiscal year ending September 30, 1970:

For salaries	45,850.00	
For other expenses	20,000.00	
For equipment purchases	2,000.00	
Total		67,850.00

For the fiscal year ending September 30, 1971:

For salaries	46,600.00	
For other expenses	20,000.00	
For equipment purchases	2,000.00	
Total		68,600.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of of Alabama 1940.

(15) BOARD OF CORRECTIONS:

For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	15,000.00
For other salaries	3,397,000.00
For other expenses	3,110,000.00

For equipment purchases	80,000.00	
For automotive equipment purchases	70,000.00	
For Debt Service, estimated	63,306.00	
For transfer to the State Personnel Department	9,780.00	
For transfer to the Attorney General's Department	12,400.00	
Total		6,757,486.00

For the fiscal year ending September 30, 1971:

For the salary of the Commissioner	15,000.00	
For other salaries	3,478,000.00	
For other expenses	3,110,000.00	
For equipment purchases	30,000.00	
For automotive equipment purchases	70,000.00	
For transfer to the State Personnel Department	10,150.00	
For transfer to the Attorney General's Department	12,400.00	
For Debt Service, estimated	61,272.00	
Total		6,786,822.00

The funds hereinabove appropriated to the Board of Corrections shall be paid out of the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III C (2).

(16) ALABAMA BOARD OF COSMETOLOGY:

For the fiscal year ending September 30, 1970:

For salaries	72,100.00	
For other expenses	70,000.00	
For equipment purchases	825.00	
Total		142,925.00

For the fiscal year ending September 30, 1971:

For salaries	72,100.00	
For other expenses	70,000.00	
For equipment purchases	475.00	
Total		142,575.00

The above appropriation shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(17) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department,

For the fiscal year ending September 30, 1970	1,800.00
For the fiscal year ending September 30, 1971	1,860.00

The above appropriation shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(18) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For the fiscal year ending September 30, 1970:		
For salaries	39,500.00	
For other expenses	27,000.00	
For equipment purchases	4,800.00	
Total		71,300.00
For the fiscal year ending September 30, 1971:		
For salaries	40,000.00	
For other expenses	27,000.00	
For equipment purchases	1,000.00	
Total		68,000.00

The above appropriation is payable out of funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

(19) FARMERS MARKET AUTHORITY:

For the fiscal year ending September 30, 1970:		
For salaries	21,700.00	
For other expenses	12,000.00	
For equipment purchases	104.00	
Total		33,804.00
For the fiscal year ending September 30, 1971:		
For salaries	21,700.00	
For other expenses	12,000.00	
Total		33,700.00

The above appropriations shall be paid from the funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (17) in this Act.

(20) STATE BOARD OF REGISTRATION FOR FORESTERS:

For the fiscal year ending September 30, 1970:		
For other expenses	2,500.00	
For equipment purchases	500.00	
Total		3,000.00
For the fiscal year ending September 30, 1971:		
For other expenses	2,500.00	
For equipment purchases	700.00	
Total		3,200.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Forester's Fund.

(21) LICENSING BOARD FOR THE HEALING ARTS:

For the fiscal year ending September 30, 1970:

For salaries	28,000.00	
For other expenses	4,500.00	
Total		32,500.00

For the fiscal year ending September 30, 1971:

For salaries	28,500.00	
For other expenses	4,500.00	
Total		33,000.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Licensing Board for the Healing Arts as provided in Act No. 106, 1959 Regular Session.

(22) HEALTH DEPARTMENT:

(a) Hospital Licensing:

For salaries	27,000.00	
For other expenses	10,000.00	
Total		37,000.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropriation made to the said fund as provided in Item III A (21) (h) in this Act.

(b) Bureau of Vital Statistics:

For the fiscal year ending September 30, 1970:

For salaries	234,650.00	
For other expenses	29,000.00	
For equipment purchases	12,000.00	
Total		275,650.00

For the fiscal year ending September 30, 1971:

For salaries	227,400.00	
For other expenses	30,000.00	
For equipment purchases	2,000.00	
Total		259,400.00

The above appropriation is payable from the funds in the Vital Statistics Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(c) County Health Work:

For salaries, other expenses and equipment purchases, estimated 1,184,000.00

The above appropriation is payable from the funds transferred to this account in Item III A (21) (c) and funds transferred in Item III F (22) (f) and Item III F (22) (g) in this

Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Indigent Care:

For salaries	11,770.00	
For distribution to counties, estimated	415,505.00	
Total estimated		427,275.00

The above appropriation is payable from the funds transferred to this account in Item III A (21) (g) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(e) Medicaid:

For the operation of the Medicaid Program:

For the fiscal year ending September 30, 1970	12,000,000.00
For the fiscal year ending September 30, 1971	17,000,000.00

The above appropriations are payable from the funds transferred to this account in Item III A (21) (i) by this Act. In addition to the above appropriations, any funds received from the Federal Government are hereby appropriated.

(f) Health Department:

For the fiscal year ending September 30, 1970:

For salaries	711,950.00	
For transfer to the County Health Work Account	375,000.00	
For study, care and treatment of cancer	85,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
Total		1,196,950.00

For the fiscal year ending September 30, 1971:

For salaries	669,000.00	
For transfer to the County Health Work Account	375,000.00	
For study, care and treatment of cancer	85,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
Total		1,154,000.00

The above appropriation is payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(g) Health Department:

For the fiscal year ending September 30, 1970:

For salaries	500,000.00	
For other expenses	562,000.00	
For equipment purchases	25,000.00	
For transfer to the County Health Work Account	384,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
For purchase of drugs for the treatment of tuberculosis	50,000.00	
Total		1,546,000.00

For the fiscal year ending September 30, 1971:

For salaries	650,000.00	
For other expenses	550,000.00	
For equipment purchases	25,000.00	
For transfer to the County Health Work Account	384,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
For purchase of drugs for the treatment of tuberculosis	50,000.00	
Total		1,684,000.00

The above appropriation is payable from the funds transferred to this Account from the General and Mental Health Fund as provided in Act 275, 1967 Regular Session.

(23) HIGHWAY AND BRIDGES:

For the fiscal year ending September 30, 1970:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, $17,500.00; for transfer to the State Personnel Department the sum of $89,030.00; for transfer to the Attorney General's Department $66,600.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department by virtue of Federal Aid.

For the fiscal year ending September 30, 1971:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compen-

sation of the State Highway Director, $17,500.00; for transfer to the State Personnel Department the sum of $92,540.00; for transfer to the Attorney General's Department $66,600.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department; by virtue of Federal Aid.

(24) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:

For salaries, other expenses and equipment purchases 50,000.00

The above appropriation is payable from the funds transferred to this account in Item III A (22) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.

(25) ALABAMA HISTORICAL COMMISSION:

For the fiscal year ending September 30, 1970:

For salaries	28,800.00	
For other expenses	10,000.00	
For equipment purchases	500.00	
For restoration and preservation of property	25,000.00	
Total		64,300.00

For the fiscal year ending September 30, 1971:

For salaries	29,650.00	
For other expenses	10,000.00	
For equipment purchases	500.00	
For restoration and preservation of property	25,000.00	
Total		65,150.00

The above appropriation shall be paid from the Alabama Historical Commission Fund and shall include appropriation made in Item III A (23) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source are hereby appropriated.

(26) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the fiscal year ending September 30, 1970:

For the salary of the Director, estimated	17,000.00
For transfer to the State Personnel Department	18,490.00

For the fiscal year ending September 30, 1971:

For salary of the Director, estimated	17,000.00
For transfer to the State Personnel Department	19,200.00

For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds,

services and operations for which the United States Government may provide monies; there is hereby appropriated, in addition to the amounts appropriated herein in Item III A (26), all such sums as the United States Government may make available therefor.

(27) STATE INSURANCE FUND:

For the fiscal year ending September 30, 1970:		
For salaries	80,000.00	
For other expenses	27,000.00	
For automotive equipment purchases	5,400.00	
Total		112,400.00
For the fiscal year ending September 30, 1971:		
For salaries	80,000.00	
For other expenses	27,000.00	
For equipment purchases	500.00	
For automotive equipment purchases	5,400.00	
Total		112,900.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(28) LAW ENFORCEMENT FUND 8,000.00

The above appropriation shall be paid from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such fund are limited to the amount appropriated herein.

(29) LIQUEFIED PETROLEUM GAS BOARD:

For salary of Director	11,000.00	
For other salaries	27,600.00	
For other expenses	15,542.00	
For equipment purchases	1,050.00	
For automotive equipment purchases	2,600.00	
Total		57,792.00

The above appropriation shall be paid from receipts paid into the Liquefied Petroleum Gas Fund.

(30) SPECIAL MENTAL HEALTH FUND:

(a) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXLI,

For the fiscal year ending September 30, 1970	195,962.50
For the fiscal year ending September 30, 1971	197,181.25

(b) To Auburn University,

Psychology Department, for the training of psychologists 5,500.00

(c) To the State Mental Health Department:

For operation and maintenance,
For the fiscal year ending September 30, 1970 16,628,537.50
For the fiscal year ending September 30, 1971 17,432,318.75

(d) To the State Mental Health Department, to provide drugs to medically indigent mental patients not hospitalized at the time of receiving drugs at the Alabama State Hospitals 200,000.00

(e) To the Board of Trustees of the University of Alabama: For the Medical College of Alabama, for salaries, stipends and scholarships in psychiatry; for the training of professional mental health personnel and psychiatric nurses, and for state indigent mental patients 1,585,000.00

(f) To University of Alabama, Psychological Clinic for the training of psychologists 100,000.00

(g) To the Board of Corrections for construction of a psychiatric building at the medical and diagnostic center at Mount Meigs 500,000.00

(The above appropriation is conditional upon the condition of the Special Mental Health Fund and with the approval of the Governor.)

The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.

(31) STATE DEPARTMENT OF MENTAL HEALTH:

For the fiscal year ending September 30, 1970:
For transfer to the State Personnel Department 56,120.00

For the fiscal year ending September 30, 1971:
For transfer to the State Personnel Department 58,270.00

For the support, maintenance and capital expenditures the several sums appropriated by Items III F (4) (a) and III F (30) (c) (d) of this Act and the amounts provided in Act No. 654, 1965 Regular Session and Act No. 275, 1967 Regular Session, are hereby appropriated. Expenditures to be made at the direction of the Alabama Mental Health Board.

(32) ALABAMA MILK CONTROL BOARD:

For salaries	109,500.00	
For other expenses	55,000.00	
For equipment purchases	1,500.00	
Total		166,000.00

The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(33) BOARD OF NURSES' EXAMINERS AND REGISTRATION:

For the fiscal year ending September 30, 1970:
For salaries 71,600.00

For other expenses	43,000.00	
For automotive equipment purchases	2,500.00	
Total		117,100.00
For the fiscal year ending September 30, 1971:		
For salaries	71,600.00	
For other expenses	46,700.00	
Total		118,300.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(34) PENSIONS:

(a) For Confederate Veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(35) DEPARTMENT OF PENSIONS AND SECURITY:

For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	14,000.00
For transfer to the State Personnel Department	34,270.00

For the fiscal year ending September 30, 1971:

For the salary of the Commissioner	14,000.00
For transfer to State Personnel Department	35,580.00

For other salaries and expenses incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item III A (34), all Federal, State, County and Municipal funds made available therefor, provided that not more than the sum of $7,900,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971, of the State funds herein appropriated for welfare purposes may be used for administrative purposes of the Department, including employer's contribution to the Federal old age, survivors and disability insurance program; provided, further, that not more than twenty-seven and one-half per centum of the State funds appropriated herein for welfare purposes may be allotted in any one quarter of a fiscal year.

(36) PERSONNEL DEPARTMENT:

For the fiscal year ending September 30, 1970:	
For salary of the Director	13,000.00
For other salaries	233,400.00
For other expenses	62,500.00

For equipment purchases	2,000.00	
Total		310,900.00
For the fiscal year ending September 30, 1971:		
For salary of the Director	13,000.00	
For other salaries	243,100.00	
For other expenses	62,500.00	
For equipment purchases	2,000.00	
Total		320,600.00

The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(37) ALABAMA PROGRAM DEVELOPMENT OFFICE:

For salaries, other expenses and equipment purchases 115,000.00

The above appropriation shall be paid from Alabama Program Development Office Fund and shall include appropriations made in Item III A (38) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Program Development Office from whatever source are hereby appropriated.

(38) BUREAU OF PUBLICITY AND INFORMATION:

For the fiscal year ending September 30, 1970:		
For salaries	29,300.00	
For other expenses	50,000.00	
For equipment purchases	13,500.00	
For automotive equipment purchases	4,000.00	
For advertising	220,134.00	
For Welcome Centers: Operation and Maintenance	100,000.00	
Total		416,934.00
For the fiscal year ending September 30, 1971:		
For salaries	31,400.00	
For other expenses	60,000.00	
For advertising	275,648.00	
For Welcome Centers: Operation and Maintenance	100,000.00	
Total		467,048.00

The above appropriation shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

(39) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars ($100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sec-

tions 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four per cent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(40) PUBLIC SERVICE COMMISSION:

For the fiscal year ending September 30, 1970:

For salary of the President and Two Associate Commissioners	54,500.00	
For other salaries	294,250.00	
For other expenses	115,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	27,000.00	
Total		493,750.00

For the fiscal year ending September 30, 1971:

For salary of the President and Two Associate Commissioners	54,500.00	
For other salaries	321,000.00	
For other expenses	120,000.00	
For equipment purchases	2,000.00	
For automotive equipment purchases	15,000.00	
Total		512,500.00

The above appropriation to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of a fiscal year in excess of $100,000.00 shall be transferred to the State General Fund.

(41) ALABAMA REAL ESTATE COMMISSION:

For the fiscal year ending September 30, 1970:

For salaries	32,600.00	
For other expenses	26,784.00	
For equipment purchases	800.00	
Total		60,184.00

For the fiscal year ending September 30, 1971:

For salaries	32,600.00	
For other expenses	26,784.00	
For equipment purchases	500.00	
Total		59,884.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, of the Code

of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(42) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (41) (a) of this Act.

For the fiscal year ending September 30, 1970 .... 763,488.00

For the fiscal year ending September 30, 1971 .... 796,944.00

For the fiscal year ending September 30, 1971, only, conditional upon the condition of the General Fund and with the approval of the Governor 1,000,000.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30 1970 .... 84,040.00

For the fiscal year ending September 30, 1971 .... 87,717.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 85,625.00

For the fiscal year ending September 30, 1971 .... 89,373.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 563,695.00

For the fiscal year ending September 30, 1971 .... 588,374.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from Income Tax collections, for the cost of collecting said tax,

For the fiscal year ending September 30, 1970 .... 1,871,846.00

For the fiscal year ending September 30, 1971 .... 1,953,795.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Fuel Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 325,849.00

For the fiscal year ending September 30, 1971 .... 340,114.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Vehicle License collections as part of cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 329,812.00

For the fiscal year ending September 30, 1971 .... 344,252.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from

the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1970 .... 99,895.00

For the fiscal year ending September 30, 1971 .... 104,269.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the Public School Fund as part of the cost of collection of the 3-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1970 .... 248,152.00

For the fiscal year ending September 30, 1971 .... 259,016.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Sales Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 2,604,414.00

For the fiscal year ending September 30, 1971 .... 2,718,432.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 49,155.00

For the fiscal year ending September 30, 1971 .... 51,307.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Tobacco Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 536,740.00

For the fiscal year ending September 30, 1971 .... 560,237.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 256,873.00

For the fiscal year ending September 30, 1971 .... 268,120.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Cigarette Tax collections Act 275, 1967 Regular Session as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970 .... 108,616.00

For the fiscal year ending September 30, 1971 .... 113,370.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Utility Tax collections as provided in Act No. 37, 1969 Special Session 175,000.00

For the fiscal year ending September 30, 1970:
Total 8,103,200.00

For the fiscal year ending September 30, 1971:
Total 8,450,320.00

For the fiscal year ending September 30, 1971, only, conditional upon the condition of the funds transferred to the Revenue Department and with the approval of the Governor:
Total 1,000,000.00

There is hereby appropriated to the Revenue Department from the gross proceeds of Motor Vehicle License collections for the purchase only, of Motor Vehicle License tags,

For the fiscal year ending September 30, 1970	1,115,000.00
For the fiscal year ending September 30, 1971	1,160,000.00

(43) DEPARTMENT OF REVENUE—ADMINISTRATIVE ACCOUNT:

For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	17,000.00	
For other salaries	5,705,000.00	
For other expenses	1,778,100.00	
For equipment purchases	28,500.00	
For automotive equipment purchases	12,500.00	
For transfer to State Personnel Department	12,600.00	
Total		7,553,700.00

For the fiscal year ending September 30, 1971:

For the salary of the Commissioner	17,000.00	
For other salaries	5,991,300.00	
For other expenses	1,812,250.00	
For equipment purchases	29,070.00	
For automotive equipment purchases	12,500.00	
For transfer to State Personnel Department	13,100.00	
Total		7,875,220.00

For salaries, other expenses and equipment purchases for the fiscal year ending September 30, 1971, only, conditional upon the payment of the conditional transfer from the General Fund to the Revenue Department 1,000,000.00

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by Local Acts of the Legislature as a charge for the collection of taxes or licenses.

(44) STATE BOARD OF REGISTRATION FOR SANITARIANS:

For salaries	700.00	
For other expenses	1,200.00	
Total		1,900.00

The above appropriation shall be paid from the receipts collected under the provisions of Act No. 209, Second Special Session, 1964.

(45) TEMPERANCE EDUCATION:

For salaries	34,500.00	
For other expenses	12,000.00	
Total		46,500.00

The appropriation hereinabove made shall be paid from the funds transferred from the Alcoholic Beverage Control Board to the Education Department.

(46) ALABAMA THERAPIST BOARD:

For other expenses 2,000.00

The above appropriation shall be paid from receipts paid into the Alabama Therapist Board Fund.

(47) UNIVERSITY OF ALABAMA—MEDICAL CENTER:

For constructing, operating and maintaining a school or college of Optometry 23,000.00

The above appropriation shall be paid from the funds in the State Treasury to the credit of the Optometry Trust Fund.

(48) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries	100.00	
For other expenses	5,650.00	
Total		5,750.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as 'estimated', and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of

alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That this Act shall become effective on October 1, 1969.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Radney	
Bailes	Giles	Lolley	Stone	
Branyon	Gilmore	McCarley	Torbert	
Carr	Givhan	McDermott	Turner	
Clark	Goodwyn	Morrow	Vacca	
Cooper	Harris	Nabors		—30

Nays: —0

Mr. Turner offered the following amendment to the Bill, H. B. 621, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend Section 2 of House Bill 621 by adding at the end of the first sentence of Section 2 the following:

"Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one

fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Adams	Engel	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Radney	
Branyon	Gilmore	McCarley	Stone	
Childs	Givhan	McDermott	Torbert	
Clark	Goodwyn	Morrow	Turner	
Cooper	Harris			—29

Nays: —0

Mr. Turner then offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by adding at the end of Section 2, III, (47) the following:

"Provided, however, that the appropriations hereinabove made to the State Toxicologist shall not be released for expenditure if any of the present offices or sub-offices of the Toxicologist are closed."

Which was adopted.

Yeas 26; Nays 2.

Yeas:

Messrs.:	Cooper	Goodwyn	McDermott	
Adams	Dominick	Harris	Morrow	
Albea	Engel	Hawkins	Nabors	
Bailes	Folsom	Leonard	Oden	
Branyon	Giles	Lindsey	Pelham	
Carr	Gilmore	Lolley	Turner	
Clark	Givhan	McCarley		—26

Nays: Messrs. Radney, Torbert —2

Mr. Turner then offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by striking therefrom the whole of Section 2, III, (18) (e) and insert in lieu thereof the following:

"(e) For Computor Consolidation and Copy Center Operations ..... 75,000.00"

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Morrow	
Adams	Engel	Hawkins	Nabors	
Albea	Folsom	Leonard	Oden	
Bailes	Giles	Lindsey	Pelham	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McCarley	Turner	
Clark	Goodwyn	McDermott	Vacca	
Cooper				—28

Nays: —0

Mr. Turner then offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by striking therefrom the whole of Section 2, III (18) (a) and insert in lieu thereof the following:

"(a) Director's Office:

For the fiscal year ending September 30, 1970:		
For the salary of the Director	18,000.00	
For salary of the Assistant Director	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For records retention program	20,000.00	
For equipment purchases	1,025.00	
Total		76,075.00
For the fiscal year ending September 30, 1971:		
For the salary of the Director	18,000.00	
For the salary of the Assistant Director	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For automotive equipment purchases	3,000.00	
Total		58,050.00"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Adams	Engel	Leonard	Oden	
Albea	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Pierce	
Branyon	Gilmore	McCarley	Radney	
Carr	Givhan	McDermott	Turner	
Clark	Goodwyn	Morrow	Vacca	
Cooper	Harris			—29

Nays: —0

Mr. Engel offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by adding at the end of Section 2, III, A, (31), (a) the following:

"Provided, however, that not more than $105,000.00 of the appropriation hereinabove made for the purchase of Books & Periodicals may be apportioned and paid out to the several library systems of the state. Any remaining part of the appropriation shall be used by the Public Library Service Division for the purchase and distribution of Books & Periodicals."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Torbert	
Carr	Givhan	Morrow	Turner	
Clark	Goodwyn	Nabors	Vacca	
Cooper	Hawkins	Oden		—26

Nays: —0

Mr. Nabors offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend Section 2 III B (3) (a) by deleting the sum "$827,000.00" and the sum "$1,093,000" and inserting in lieu thereof the sums "$427,000.00" and "$500,000.00" respectively.

On motion of Mr. Turner, said amendment was laid on the table.

Yeas 22; Nays 7.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Giles	Lolley	Radney	
Albea	Gilmore	McCarley	Stone	
Branyon	Givhan	McDermott	Torbert	
Clark	Goodwyn	Morrow	Turner	
Cooper	Leonard	Oden		—22

Nays:

Messrs.:	Carr	Harris	Nabors	
Bailes	Dominick	Hawkins	Pierce	
				—7

Mr. Pelham offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by striking therefrom the whole of Section 2, III, F, (40) and insert in lieu thereof the following:

"(40) PUBLIC SERVICE COMMISSION:

For the fiscal year ending September 30, 1970:		
For salary of the President and Two Associate Commissioners	54,500.00	
For other salaries	344,250.00	
For other expenses	137,500.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	34,500.00	
Total		573,750.00
For the fiscal year ending September 30, 1971:		
For salary of the President and Two Associate Commissioners	54,500.00	
For other salaries	371,000.00	
For other expenses	142,500.00	
For equipment purchases	2,000.00	
For automotive equipment purchases	15,000.00	
Total		585,000.00

The above appropriations to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of a fiscal year in excess of $100,000.00 shall be transferred to the State General Fund."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Nabors	
Adams	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	Lolley	Stone	
Branyon	Givhan	McCarley	Torbert	
Clark	Goodwyn	McDermott	Turner	
Cooper	Harris	Morrow		—26

Nays: —0

Mr. Torbert offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by striking therefrom the whole of Section 2, II (1) and insert in lieu thereof the following:

(1) THE SUPREME COURT:

For the fiscal year ending September 30, 1970:		
For the salaries of the Chief Justice and eight Associate Justices	175,500.00	
For the salary of the Clerk of the Court	15,000.00	
For the salary of the Court Reporters	15,000.00	
For other salaries	257,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases	20,000.00	
Total		509,800.00
For the fiscal year ending September 30, 1971:		
For the salaries of the Chief Justice and eight Associate Justices	175,500.00	
For the salary of the Clerk of the Court	15,000.00	
For the salary of the Court Reporters	15,000.00	
For other salaries	257,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases	5,000.00	
Total		494,800.00
For the Supreme Court Library Fund		40,000.00"

Which was adopted.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Gilmore	Lolley	Radney	
Albea	Givhan	McDermott	Stone	
Bailes	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Leonard	Oden	Vacca	
				—23

Nays:

Messrs.:	Carr	Hawkins	Pierce	
Branyon	Dominick			
				—5

Mr. Branyon offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 by deleting therefrom the words and figures

"For the fiscal year ending September 30, 1971, only, conditional upon the condition of the

state treasury and with the approval of the Governor ..... $1,000,000.00"

as they appear in Section 2 III A 41 (a).

Further amend H. B. 621 by deleting therefrom the words and figures

"For the fiscal year ending September 30, 1971, only, conditional upon the condition of the General Fund and with the approval of the Governor ..... $1,000,000.00"

as they appear in Section 2 III F 42.

Further amend H. B. 621 by deleting therefrom the words and figures

"For salaries, other expenses and equipment purchases for the fiscal year ending September 30, 1971, only, conditional upon the payment of the conditional transfer from the General Fund to the Revenue Department ..... 1,000,000.00"

as they appear in Section 2 III F (43).

On motion of Mr. Turner, said amendment was laid on the table.

Mr. Nabors offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend Sect III, A, 25 a by striking 494,950.00 and 503,700.00 and substituting therefor the sums of $827,000.00 and $1,093,000.00 respectively, and by pro-rating such increase in the line items thereof.

On motion of Mr. Turner, said amendment was laid on the table.

Yeas 15, Nays 10.

Yeas:

Messrs.:	Cooper	Goodwyn	Oden	
Albea	Engel	Leonard	Pelham	
Branyon	Gilmore	Lolley	Turner	
Clark	Givhan	McDermott	Vacca	
				—15

Nays:

Messrs.:	Dominick	Morrow	Pierce	
Bailes	Harris	Nabors	Radney	
Childs	Lindsey	O'Bannon		—10

Mr. Nabors then offered the following amendment to the Bill, H. B. 621, as amended, to-wit:

AMENDMENT TO H. B. 621, AS AMENDED

Amend H. B. 621 as substituted by reducing all of the appropriations therein by 10% with the exceptions of salaries as heretofore fixed by law.

On motion of Mr. Turner, said amendment was laid on the table.

And said Bill, H. B. 621, as amended, was then read a third time at length and passed.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Engel	Jackson	Pelham	
Albea	Folsom	Leonard	Pierce	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Turner	
Clark	Goodwyn	O'Bannon	Vacca	
Cooper	Harris			—29

Nay: Mr. Nabors —1

The Bill:

H. 622. To make appropriations from the State Treasury for Capital improvements.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 622, to-wit:

FINANCE AND TAXATION SUBSTITUTE
FOR HOUSE BILL NO. 622

A BILL
TO BE ENTITLED
AN ACT

To make appropriations from the State Treasury for Capital improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from monies in the State Treasury to the credit of the funds designated herein for the fiscal years ending September 30, 1970, and September 30, 1971, to be used for Capital improvements only, the following amounts for the specific projects:

Section 2. STATE BUILDING COMMISSION:

For the fiscal year ending September 30, 1970:		
(a) For construction and equipping a building for the use of the Department of Agriculture and Industries	1,500,000.00	
(b) For construction and equipping of additions to the Archives and History building for the use of the Department of Archives and History	1,000,000.00	
(c) For construction and equipping a Cafeteria for the use of the Alabama Industrial School —Mt. Meigs	500,000.00	
Total		3,000,000.00

The above appropriations in sub-sections (a), (b), and (c) shall be paid from the State General Fund.

(d) For construction and equipping Welcome Centers for the use of the Bureau of Publicity and Information for each of the fiscal years ending September 30, 1970, and September 30, 1971. ..... 35,000.00

The above appropriations in sub-section (d) shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

Section 3. FARMERS' MARKET AUTHORITY:

There is hereby appropriated to the Farmers' Market Authority, for the purpose of acquiring, erecting, constructing, and equipping farmers' markets.

For the fiscal year ending September 30, 1970 ..... 300,000.00

For the fiscal year ending September 30, 1971 ..... 50,000.00

The above appropriations shall be paid from the State General Fund and is conditional upon the condition of the Treasury and with the approval of the Governor.

Section 4. ARMORY COMMISSION

For the fiscal year ending September 30, 1970:

For the construction of an Armory at Athens	10,000.00	
For the construction of an Armory at Decatur	70,000.00	
For necessary repairs and improvements to Fort Whiting Armory—Mobile	60,000.00	
For the purchase of land from Republic Steel Corporation for Lewisburg Rifle Range, Birmingham	13,000.00	
Total		153,000.00

For the fiscal year ending September 30, 1971:

For necessary repairs and improvements to Fort John C. Persons Armory	60,000.00	

For the construction of an Armory at Ariton	45,000.00	
Total		105,000.00

The above appropriations shall be paid from the State General Fund.

Section 5. LIVESTOCK COLISEUM:

For the fiscal year ending September 30, 1970:		
For portable hardwood floor for Coliseum Arena	53,000.00	
For portable steel arena risers for portable seating	31,000.00	
For sign on Marque at the Coliseum	18,000.00	
For updating sound system in Coliseum	27,000.00	
For painting the Coliseum	35,350.00	
For additional fire hydrant at Coliseum	6,000.00	
For a new exhibit building	53,000.00	
For beautification of Coliseum Grounds	10,000.00	
Total		233,350.00

The above appropriations shall be paid from the State General Fund.

Section 6. DEPARTMENT OF CONSERVATION:

(a) Game and Fish Division:

For the fiscal year ending September 30, 1970: For Construction, Improvements and Repairs of Public Lakes and Access Areas		200,000.00
For the fiscal year ending September 30, 1971: For Construction, Improvements and Repairs of Public Lakes and Access Areas		100,000.00

The above appropriations shall be paid from the Game and Fish Fund.

(b) Division of Forestry:

For the fiscal year ending September 30, 1970: For purchases of Tower Sites	400.00	
For purchase of materials for Latrines	600.00	

For bathroom fixtures and sewage disposal systems—Dwellings	1,299.00	
For bathroom fixtures and sewage disposal systems—Office	300.00	
For bathroom—Addition to dwelling	500.00	
For sewage disposal system—State Forest	750.00	
For picnic tables—Concrete	375.00	
For fencing material	1,136.00	
Total		5,360.00
For the fiscal year ending September 30, 1971:		
For Latrines	600.00	
For bathroom fixtures and sewage disposal systems	850.00	
For bathroom—Added to Dwelling	500.00	
For well, pump, tank and pumphouse	4,000.00	
For tower site—land purchases	400.00	
For materials for fencing state owned lands —Tower Sites	1,118.00	
Total		7,468.00
The above appropriations shall be paid from the Forestry Fund.		
(c) Seafood Division:		
For the fiscal year ending September 30, 1970:		
Oyster and Shrimp improvements	25,000.00	
Laboratory payments	54,000.00	
Boat Slip and Shop building	15,000.00	
Total		94,000.00
For the fiscal year ending September 30, 1971:		
Oyster and Shrimp improvements	25,000.00	
Site and Construction of Aquaculture station	45,000.00	
Total		70,000.00
The above appropriations shall be paid from the Seafood Fund.		
The amounts herein appropriated to the sever-		

al divisions of the Department of Conservation are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items exceed the amount allocated herein, except in the event of an emergency so determined by the Director of Conservation and the Governor any portion of the amounts herein appropriated may be expended to pay the cost of such emergency.

Section 7. DEPARTMENT OF CORRECTIONS AND INSTITUTIONS:

For the fiscal year ending September 30, 1970:

For Draper Prison:

For remodeling kitchen	52,300.00	
For construction of Guard Towers	10,000.00	
For reroofing prison	5,500.00	
For repairs to electric system	3,000.00	
For installation of baths	29,200.00	
Total		100,000.00

For the fiscal year ending September 30, 1971:

(a) For Atmore Prison:

For construction of a hay barn	1,800.00	
For construction of a warehouse	6,500.00	
For construction of an equipment shed	4,400.00	
For painting and repairs	10,000.00	
For repairs to Employees houses	52,800.00	
Total		75,500.00

(b) For Draper Prison:

For construction of a warehouse	3,200.00	
For construction of an ear corn barn	3,400.00	
For a grist mill	2,900.00	
For repairs to Employees houses	10,000.00	
Total		19,500.00

(c) For Tutwiler Prison:

For reroofing prison	3,000.00	
For repairs to heating system	2,000.00	
Total		5,000.00

The above appropriations shall be paid from the funds in the State Treasury to the credit of the Department of Corrections and Institutions.

Section 8. DAUPHIN ISLAND PARK AND BEACH BOARD:

For the fiscal year ending September 30, 1970:		
Reroofing Casino Building	10,000.00	
Repairs and Renovation to downstairs interior of Casino building	61,000.00	
Installation of Toilet facilities at Fort Gaines Trailer Park	29,000.00	
Total		100,000.00
For the fiscal year ending September 30, 1971:		
For repairs and renovations to Casino Building exterior	52,000.00	
Repairs and renovation to upstairs interior of Casino building	27,000.00	
For parking facilities and beach area	21,000.00	
Total		100,000.00

The above appropriations are payable from the State General Fund.

Section 9. PIKE COUNTY FAIR:

For the fiscal year ending September 30, 1970:	
For the construction of a Pike County Agricultural Center Building	10,000.00

The above appropriation shall be paid from the State General Fund.

Section 10. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 11. This Act shall become effective October 1, 1969.

Mr. Adams offered the following amendment to the substitute for the Bill, H. B. 622, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 622

Amend Substitute for H. B. 622 by striking therefrom in Section 5 the following words and figures:

"Total ..... 233,350.00"

and insert in lieu thereof the following:

"For construction of Cattle Chutes & Pens 10,000.00

Total ..... 243,350.00"

Which was adopted.

Mr. Oden offered the following amendment to the substitute, as amended, for the Bill, H. B. 622, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 622

Amend Substitute for H. B. 622 by adding at the end of Section 9 the following:

"Section 10. NORTHWEST ALABAMA JUNIOR COLLEGE:

For the fiscal year ending September 30, 1970:
For the construction of a lake at the Northwest Alabama Junior College 25,000.00

The above appropriation shall be paid from the Alabama Special Educational Trust Fund."

Further amend the bill by striking therefrom the words and figures "Section 10" and insert in lieu thereof the following:

"Section 11"

Further amend the bill by striking therefrom the words and figures "Section 11" and insert in lieu thereof the following:

"Section 12"

Mr. Turner moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

And the substitute, as thus amended, for the Bill, H. B. 622, was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Branyon	Cooper	Folsom
Albea	Carr	Dominick	Gilmore
Bailes	Clark	Engel	Givhan

Hawkins	Lindsey	Morrow	Radney
Jackson	Lolley	Nabors	Skidmore
Leonard	McDermott	Oden	Turner

—23

Nays: —0

Mr. Nabors moved that further consideration of the Bill, H. B. 622, as amended by the substitute, be postponed until the Thirty-Second Legislative Day.

On motion of Mr. Turner, the motion to postpone was laid on the table.

Yeas 24; Nays 4.

Yeas:

Messrs.:	Engel	Leonard	Pelham
Adams	Gilmore	Lindsey	Pierce
Albea	Givhan	McDermott	Radney
Branyon	Goodwyn	Morrow	Skidmore
Carr	Hawkins	O'Bannon	Stone
Clark	Jackson	Oden	Turner
Cooper			

—24

Nays:

Messrs.:			
Bailes	Dominick	Harris	Nabors

—4

Mr. Harris offered the following amendment to the Bill, H. B. 622, as amended, to-wit:

AMENDMENT TO H. B. 622, AS AMENDED

Amend Section 4 by increasing the appropriation for the construction of an armory at Athens from $10,000 to $70,000.

On motion of Mr. Turner, said amendment was laid on the table.

Yeas 17; Nays 9.

Yeas:

Messrs.:	Cooper	Jackson	Pelham
Albea	Engel	Leonard	Pierce
Branyon	Gilmore	Lolley	Stone
Carr	Goodwyn	Nabors	Turner
Clark	Hawkins		

—17

Nays:

Messrs.:	Givhan	Morrow	Skidmore
Bailes	Harris	Radney	Vacca
Dominick	McCarley		

—9

Mr. Harris then offered the following amendment to the Bill, H. B. 622, as amended, to-wit:

AMENDMENT TO H. B. 622, AS AMENDED

Amend H. B. 622 by deleting Section 9 and renumbering the remaining Sections.

On motion of Mr. Lolley, said amendment was laid on the table.

Yeas 15; Nays 9.

Yeas:

Messrs.:	Clark	Jackson	Nabors
Adams	Cooper	Lindsey	Pelham
Albea	Giles	Lolley	Turner
Branyon	Goodwyn	McCarley	Vacca

—15

Nays:

Messrs.:	Dominick	McDermott	Radney
Bailes	Harris	Morrow	Skidmore
Carr	Hawkins		

—9

Mr. Harris then offered the following amendment to the Bill, H. B. 622, as amended, to-wit:

AMENDMENT TO H. B. 622, AS AMENDED

Amend by deleting Section 9 and substituting therefor the following: "Section 9. For the fiscal year ending September 30, 1970: There is hereby appropriated to each of the 67 counties for the construction of an Agricultural Center Building the sum of $10,000 per county."

On motion of Mr. Turner, said amendment was laid on the table.

Yeas 16; Nays 11.

Yeas:

Messrs.:	Engel	Goodwyn	Nabors
Adams	Folsom	Jackson	Pelham
Branyon	Giles	Lolley	Skidmore
Clark	Gilmore	McDermott	Turner
Cooper			

—16

Nays:

Messrs.:	Carr	Harris	Morrow
Albea	Childs	Hawkins	O'Bannon
Bailes	Dominick	McCarley	Radney

—11

Mr. Nabors moved that further consideration of the Bill, H. B. 622, as amended, be postponed until the next Legislative Day, which motion was lost.

Mr. Nabors then moved that further consideration of the Bill, H. B. 622, as amended, be postponed until the Thirty-Third Legislative Day. On motion of Mr. Turner, the motion to postpone was laid on the table.

Yeas 27; Nays 3.

Yeas:

Messrs.:	Engel	Jackson	Pelham
Adams	Folsom	Lindsey	Pierce
Albea	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Clark	Goodwyn	Morrow	Turner
Cooper	Hawkins	Oden	Vacca

—27

Nays:

Messrs.:	Bailes	Dominick	Nabors

—3

And said Bill, H. B. 622, as amended, was then read a third time at length and passed.

Yeas 29; Nays 2.

Yeas:

Messrs.:	Cooper	Hawkins	Pelham	
Adams	Dominick	Jackson	Pierce	
Albea	Engel	Lolley	Radney	
Bailes	Folsom	McCarley	Skidmore	
Branyon	Giles	McDermott	Stone	
Carr	Gilmore	Morrow	Turner	
Childs	Givhan	O'Bannon	Vacca	
Clark	Goodwyn			—29

Nays: Messrs. Harris, Nabors —2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 699. To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 243. To amend further Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, so as to provide further for the office of the resident county engineer.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 810. To create a mosquito abatement district in any two contiguous counties of this state having a combined population of not less than 360,000 nor more than 600,000, according to the most recent federal decennial census, for the purpose of controlling and abating mosquitoes and other vectors; to provide a mosquito control board for administrative purposes and to prescribe its authority; to provide for the appointment, number and terms of its members; to authorize the governing bodies of any county, city or town within the district to appropriate public funds for the purposes of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1090. Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court, in Equity, and for payment of such clerk's salary by the county.

Also:

H. 1116. Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

Also:

H. 1148. To provide for the presiding judge, Twenty-Third Judicial Circuit of Alabama.

Also:

H. 1151. To regulate further the excusing of persons from jury service in the Twenty-third Judicial Circuit; to authorize requiring per-

sons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

H. 1152. Relating to judicial procedure in the Twenty-third judicial circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

Also:

H. 1022. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

H. 1033. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; to provide for the compensation of the members of the jury commission in such counties.

Also:

H. 1021. To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

H. 1155. To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act No. 289, S. 299, 1953 Acts 354).

Also:

H. 1150. To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

Also:

H. 1158. To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000 according to the last federal decennial census.

Also:

H. 1156. To amend further the act approved July 7, 1965 providing for the creation of a county license department in counties having a population of not less than 115,000 nor more than 165,000 according to the 1960 or subsequent federal decennial census, electing to come under the provisions of said Act (Act 103, S. 222, Regular Session, 1965) by providing for the appointment of a license inspector for such county or counties and to fix his duties and responsibilities.

Also:

H. 1147. To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

Also:

H. 1153. To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

Also:

H. 860. Relating to all counties having populations of not less than 16,150 nor more than 17,250 according to the most recent federal decennial census; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Also:

H. 1029. Relating to counties having a population of not less than 24,800 nor more than 25,400 according to the most recent Federal Decennial Census; to authorize the county governing body of any such county to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law.

Also:

H. 1039. To provide that any city of this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census shall be entitled to be reimbursed for all hospital bills, doctor's bills, medical expenses, employee salary while absent from duty, and other expenditures made by such city or agency as a result of an injury to an employee of such city or agency while in the actual performance of his duties as such employee, proximately caused by the negligence of a third person, to such employee of such city or agency thereof by the person, firm or corporation guilty of or liable for such negligence or to whom such negligence may be imputed; to provide for the enforcement of such right to reimbursement.

Also:

H. 1058. To amend Section 6 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act to regulate further the procedure for the abandoning the Commission form of government and the reorganization of the city government thereafter in all cities of this state which have a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, with respect to the salary of the Mayor and Aldermen elected under the above act and to further establish the office of Mayor as a full-time office.

Also:

H. 677. To amend Act No. 529 of the 1949 Regular Session of the Legislature of Alabama approved September 2, 1949, (Acts of Alabama, 1949, pages 827 et seq.) entitled as heretofore amended, "An Act to apply in all counties of this state having a population of not less than 150,000 according to the last or any subsequent federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this state; to create a board to be known as the plumbers examining board; to define plumbing, master plumbers, journeymen plumbers, plumber apprentices and subjects related to plumbing; to provide for the appointment of members of said plumbers examining board and their terms of office; to provide for the payment of compensation to the members of said board and its employees; to define the powers conferred upon and the duties imposed upon said board; to provide funds for the maintenance, operations and

functions of said board; to provide for the examination and certification of master plumbers, journeymen plumbers and plumbers apprentices; to provide for the payment of examination fees and certificate fees; to empower the board to revoke certificates; to provide for appeals from the ruling of the board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said board, and to provide for penalties for the violation of this Act"; so as to provide that municipalities having populations of not less than 130,000 nor more than 200,000 and municipalities having populations of 300,000 or more according to the last or any subsequent federal census may require additional examination, certification and regulation of plumbers doing plumbing work within the corporate limits of such cities.

Also:

H. 1161. To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond."

Also:

H. 1160. To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

Also:

H. 1159. Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants to the sheriff.

Also:

H. 1118. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

Also:

H. 400. To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary; so as to provide further for his appointment, compensation, qualifications and duties.

Also:

H. 776. To amend further Section 1 of Act No. 518, H. 283, approved September 16, 1963 (Acts of Alabama, p. 1106), to fix the compensation of Court Reporters, and provide for the payment thereof.

Also:

H. 45. To amend and re-enact Section 619(10) of Title 51 of the Code of Alabama dealing with recordation and taxation of deeds, mortgages, and instruments of like character.

Also:

H. 396. Relating to the compensation of the State Superintendent of Education.

Also:

H. 1154. To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

Also:

H. 1149. To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

Also:

H. 1098. To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

Also:

H. 1096. Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

Also:

H. 1104. Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

Also:

H. 1076. Relating to Jefferson County; providing for the disposal by the county purchasing agent, or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Also:

H. 1075. To amend further Section 18 of Title 19, of the Code of Alabama of 1940, as heretofore amended by an Act entitled "An Act to amend Section 18 of Title 19 of the Code of Alabama of 1940," Act No. 758, Regular Session of the Legislature of Alabama 1953, (Acts of 1953, Vol. 2, Pages 1020 and 1021), so as to provide for the exemption of cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, from posting bond for right of entry in condemnation appeals from probate court to circuit court.

Also:

H. 1073. To amend Section 3 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, Page 1132, et seq) which fixes, levies, and requires the payment of a license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census.

Also:

H. 1080. To authorize any County of this State having a population of 500,000 or more, according to the last or any subsequent Federal Census, to reimburse any officer, agent or employee of the County for any taxes which another State, or any County, municipality or political subdivision thereof, exacts from, or charges, such officer, agent or employee when he obtains in such other State lodging, or other facilities or items, which it is necessary for him to obtain in the performance of his duties for the County.

Also:

H. 682. To create and establish in Limestone County in lieu of the existing court created by Act No. 199, H. 603, Regular Session 1947 (Local Acts 1947, p. 113) and amendments thereto, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and equity to be known as the Limestone County Superior Court; to provide for its procedure, costs and fees; to provide for its officers, their duties, power and compensation, and to provide for the transfer of cases.

Also:

H. 475. To amend Sections 3.01, 3.02, 3.09 and 4.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a mayor-council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Also:

H. 1028. Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors, or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations;

Also:

H. 695. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County and making a change in the purposes for which may be levied and distributed the special tax authorized by the amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended.

Also:

H. 697. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding $3,000,000 in principal amount for certain public buildings in the said county, to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to the said constitution, as amended, providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of the said county contained in Section 224 of the said constitution, and specifying certain details pertaining to the said bonds and the sale thereof.

Also:

H. 168. To propose and provide for the submission of an amendment to the Constitution of Alabama to amend Amendment CCLXIX to said constitution proposed by Act No. 274, H. 297, Regular Session 1967 authorizing counties and municipalities to levy and collect additional property taxes for public library purposes, so as to provide further for the rate of the tax and the manner in which elections under this amendment shall be called.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 79. Extending an invitation to United States Senator James B. Allen to address a joint session of the Alabama Legislature.

Also:

H. J. R. 114. Designating the "Joe A. Killian Room" at the International Trade Center at the Alabama State Docks in Mobile.

Also:

H. J. R. 100. Congratulating Colonel Hudson Powell Lipscomb, Jr. on the observance of his fiftieth year in the practice of law.

Also:

H. J. R. 101. Expressing regret upon the death of Colonel Marion Rushton, distinguished Alabama attorney.

Also:

H. J. R. 102. Expressing regret upon the death of Mr. Floyd Hamilton Mooneyham, Montgomery attorney.

Also:

H. J. R. 103. Requesting that the office of the State Toxicologist remain in Mobile.

Also:

H. J. R. 109. Urging the United States Senate to pass the "anti-busing amendment" and asking the support of the President of the United States.

Also:

H. J. R. 110. Requesting financial relief from the President of the United States and the Congress for expenses imposed by the forced integration of schools in Jefferson County.

Also:

H. J. R. 111. Designating "Roland Cooper Hall" at Patrick Henry State Junior College.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 420. To make an appropriation to the Governor's office for the payment of legal fees in connection with legal actions filed or to be filed against the State Board of Education, local boards of education or superintendents of education.

Was read a third time at length and passed.

Yeas 25; Nays 6.

Yeas:

Messrs.:	Cooper	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Skidmore	
Bailes	Giles	McCarley	Torbert	
Carr	Gilmore	Nabors	Turner	
Childs	Givhan	Oden	Vacca	
Clark	Hawkins			—25

Nays:

Messrs.:	Dominick	McDermott	Radney	
Branyon	Harris	O'Bannon		—6

The Bill:

H. 886. To amend Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama so as to appropriate, from the state's share of the net tax proceeds of the highway gasoline tax, moneys for payment at their respective maturities of the principal of and interest on bonds of Alabama Highway Authority issued under an act adopted at the 1969 Regular Session of the Legislature of Alabama, and to clarify the provisions of the said Act insofar as they relate to refunding bonds that may hereafter be issued.

Was read a third time at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Cooper	Hawkins	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Turner
Clark	Harris	Nabors	Vacca

—31

Nay: Mr. Dominick —1

The Bill:

H. 858. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding $25,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Was read a third time at length and passed.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Engel	Lindsey	Pelham
Adams	Giles	Lolley	Pierce
Albea	Gilmore	McCarley	Skidmore
Bailes	Givhan	McDermott	Stone
Carr	Goodwyn	Morrow	Turner
Childs	Harris	Nabors	Vacca
Cooper	Leonard	Oden	

—26

Nay: Mr. Dominick —1

The Bill:

H. 888. To amend Sections 6 and 11 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama so as to change the duration for which the corporation organized thereunder (known as Alabama Highway Authority) shall continue to exist.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Nabors	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	McDermott	Turner	
Clark	Goodwyn	Morrow	Vacca	
				—27

Nays: —0

The Bill:

H. 857. To amend Section 713 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions for the distribution of the net proceeds from the license taxes and registration fees therein referred to.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pierce	
Adams	Givhan	Lolley	Radney	
Albea	Goodwyn	McCarley	Skidmore	
Bailes	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Turner	
Cooper	Jackson	Nabors	Vacca	
Giles	Leonard			
				—25

Nays: —0

The Bill:

H. 891. To amend Act No. 590 adopted at the 1939 Regular Session of the Legislature of Alabama (relating to the excise tax on motor fuel as defined in the said act), as amended, so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pierce	
Adams	Gilmore	Lolley	Radney	
Albea	Givhan	McCarley	Skidmore	
Bailes	Goodwyn	McDermott	Stone	
Branyon	Hawkins	Morrow	Turner	
Carr	Leonard	Nabors	Vacca	
Cooper				
				—24

Nays: —0

The Bill:

S. 664. To make a supplemental appropriation to the Department of Public Safety.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pelham
Adams	Giles	Lolley	Pierce
Albea	Gilmore	McCarley	Radney
Bailes	Givhan	McDermott	Stone
Branyon	Goodwyn	Morrow	Turner
Carr	Hawkins	Nabors	Vacca

—23

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses, on the Senate amendment to the bill, H. 673. Said report of said Conference Committee being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE

We, your Conference Committee, appointed on the disagreement of the two houses on the Senate amendment to House Bill 673 beg leave to report as follows:

(1) We recommend that the Senate and the House adopt the attached substitute for the bill.

JOE C. McCORQUODALE, JR.
Chairman
IRA D. PRUITT
ROBERT G. ADWELL
Conferees on the part of the House

W. H. LINDSEY, III
E. W. SKIDMORE
PIERRE PELHAM
Conferees on the part of the Senate

SUBSTITUTE FOR H. B. 673

A BILL
TO BE ENTITLED
AN ACT

To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over the state forests and other lands; to provide for the compensation and expenses of the commission

members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a State Forestry Commission, hereinafter referred to as Commission, which Commission shall be composed of seven (7) members to be appointed by the Governor with the advice and consent of the Senate. Two members shall be appointed for a period of one year, two for a period of two years, two for a period of four years and the remaining member for a period of five years. Upon the expiration of said terms, appointments thereafter shall be for a period of five years and until their respective successors in office have been appointed and qualified. At all times at least two of such members shall be licensed and registered foresters under the laws of Alabama. At all times at least three of such members shall be owners of timberland in Alabama.

Section 2. The Commission shall, upon its first meeting, which shall be called by the Governor within sixty (60) days after appointment of the membership, elect from its membership a chairman and vice-chairman who shall serve for a period of one (1) year. The vice-chairman shall act in the place of the chairman in his absence or disability. The Commission shall meet at such times as designated by the Commission or the chairman at the State Capitol or at other places as it deems necessary or convenient, but the chairman of the Commission must call a meeting two (2) times each year, one meeting in the month of January and one meeting in the month of July. The chairman of the Commission may also call a special meeting at any time he deems it advisable or necessary. A quorum shall be four (4) members present and all matters coming before the Commission shall be voted on by the Commission. The Commission will keep or cause to be kept a record of all transactions discussed or voted on at its meeting. Commission members shall be entitled to a salary of $25.00 per day when in attendance at a meeting or on official business of the Commission, together with their reasonable actual expenses. Such compensation and expenses shall be paid from funds of the Commission.

Section 3. If any member of the Commission for any cause fails to attend three (3) successive meetings of the Commission without good and valid cause or excuse or without a leave of absence from the chairman, his office shall be declared vacant by the Commission and the chairman shall notify the Governor of the vacancy who will then fill the vacancy as provided by Section 5.

Section 4. The functions and duties of the Commission shall be as follows: To protect, conserve and increase the timber and forest resources of this State and to administer all laws relating to timber and forestry and the protection, conservation and increase of such resources; to make exploration, surveys, studies, and reports concerning the timber and forest resources, and to publish such thereof as will be of general interest, to maintain, supervise, operate and control all state forests; to cooperate with and enter into cooperative agreements and stipulations with the Secretary of Agriculture of the United States or any other federal officer or department, board, bureau, commission, agency or office, thereunto authorized, with respect to the protection of timbered and forest-producing land from fire, insects and disease, the acquisition of forest lands to be developed, administered and managed as state forests, the production, procurement and distribution of forest trees and shrub planting stock, the carrying on of an educational program in connection therewith, the assistance of the owners of farms in establishing, improving and renewing wood lots, shelter

belts, wind breaks and other valuable forest growths, the growing and renewing of useful timber crops, and the collection and publication of data with respect to the timber and forest resources, or any other matters committed to the Commission by this title; and to make and enforce all regulations and restrictions required for such cooperation, agreements or stipulations; to carry on a program of education and public enlightenment with respect to the timber and forest and other natural resources of Alabama; to make an annual report to the Governor concerning the activities and accomplishments of the Commission for the preceding fiscal year; to recommend to the legislature such legislation as may be needed further to protect, conserve, increase, or to make available or useful the timber and forests and other natural resources of Alabama; to supervise, direct, and manage all activities of the Forestry Commission and its staff and employees.

Section 5. The Commission shall give such advice, assistance and cooperation as may be practicable to private landowners, and promote, so far as it may be able, a proper appreciation in this State among all classes of the population, of the benefits to be derived from forest culture, preservation and use. The Commission may take such measures as may be reasonable and practicable to prevent and suppress forest fires and other influences harmful to forest growth and may apply such parts of the forestry fund and other funds accruing to it as may be necessary to such purposes and to providing such systems of control as it may establish, either independently or in cooperation with the federal government and other agencies, public or private. The Commission shall be the sole cooperating agency in joint work in the promotion and development of forestry and other matters and interests devolving upon it by law, among all classes of land ownership in the State, in which both the State and the federal government may have financial or administrative participation.

The Commission, for the purpose of establishing, developing and maintaining State forests, administrative headquarters sites, tower sites, and other areas necessary for its efficient operation, may acquire land by donation, purchase, condemnation or lease, and for these purposes may use such funds as may be available to it and not otherwise obligated and may enter into agreements with the federal government or other agencies and private landowners for acquiring by lease, purchase or otherwise such lands as in its judgment are desirable or necessary.

When lands are acquired or leased under this Section, the Commission is authorized to make expenditures from any funds not otherwise obligated for the management, development and utilization of such areas, to sell or otherwise dispose of products from such lands to have sole charge of all state forests and other lands that have been acquired hereunder and to have authority to make such rules and regulations for the management, administration, occupancy and use of said lands, and all property and things of whatsoever nature is therein or thereon, as it shall find necessary.

The Commission shall have full power and authority to sell, exchange, or lease lands under its jurisdiction when in its judgment it is advantageous to the State to do so in the orderly development and management of State forests and other designated areas; provided, however, said sale, lease or exchange shall not be contrary to the terms of any contract which it has entered into.

The Commission may employ such officers, assistants and employees as may be necessary and, as to persons employed wholly or in part in carrying out the provisions of cooperative agreements with the federal government or other agencies, for such compensation heretofore or hereafter paid may use such contributions or receipts as may be de-

rived from the United States or from any private or or philanthropic source.

Section 6. It shall be the duty of the Alabama Forestry Commission to appoint with the advice and consent of the Governor a state forester who shall serve as the executive secretary and administrative officer for the Commission. The person so appointed as the state forester must have earned a minimum of a bachelor or science degree in forestry and must be licensed and registered under the forestry laws of Alabama with considerable experience in the forestry field. The state forester shall receive a salary as fixed by the Commission and shall serve at the pleasure of the Commission and shall receive actual expenses when traveling on official business of the Commission. Until otherwise provided for by the Commission, the present state forester of the Division of Forestry of the Department of Conservation shall continue to serve as the state forester under the Commission. The state forester shall devote his full time to the duties of his office. He shall be required to take the oath of office and give bond in the sum of Fifty Thousand ($50,000.00).

Section 7. The Commission shall also appoint with the advice and consent of the Governor an assistant state forester, who shall hold at least a bachelor degree in forestry with considerable forestry experience. The assistant state forester shall serve as the chief assistant to the state forester. The assistant state forester's salary shall be set by the Commission and he shall be paid his actual expenses when traveling on official business of the Commission.

Section 8. The Commission shall have its main offices in the City of Mongomery; provided, however, it may establish other district or subdistrict offices throughout the State in such places as it may deem advisable or necessary.

Section 9. No member of the Commission, during the tenure of his office or within two (2) years thereafter, shall be eligible for appointment as state forester or for any employment under the Commission.

Section 10. The Commission shall have the power to adopt and promulgate rules and regulations pertaining to all phases of forestry within this State, which rules and regulations when adopted shall have the force and effect of law. All rules and regulations of the Division of Forestry of the Department of Conservation heretofore promulgated shall continue in effect until repealed or amended by the Commission.

Section 11. All rights, privileges, duties and responsibilities presently placed by law in the Division of Forestry of the Department of Conservation are hereby transferred and charged to the Forestry Commission hereby created, and all assets and liabilities, properties, both real and personal, together with all accounts, books, records and monies of the Division of Forestry of the Department of Conservation, are hereby transferred to the Forestry Commission for its use and benefit.

Section 12. There is hereby created a fund in the state treasury to be known as the Alabama Forestry Commission Fund and upon the effective date of this Act all monies credited to the Division of Forestry shall be transferred to the said Alabama Forestry Commission fund and all monies derived thereafter by the Commission shall be deposited to the credit of said fund.

Section 13. All personnel presently serving within the Division of Forestry of the Department of Conservation are hereby transferred

to the Forestry Commission and shall continue to serve in their respective capacities under the direction of the Commission and under the provisions of the State Merit System.

Section 14. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 15. This Act shall become effective thirty (30) days after its passage and approval by the Governor or upon its otherwise becoming a law.

Said Report of the Committee on Conference was adopted by a vote of Yeas 75, Nays 14.

And said bill:

H. 673. To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

together with the Report of the Committee on Conference is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE REPORT

Mr. Carr moved that the Senate non-concur in the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 673, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Lindsey moved as a substitute motion that the Senate concur in and adopt the said Conference Committee Report, which motion was adopted, and said Report of the Committee on Conference on the Bill, H. B. 673, was then concurred in and adopted by the Senate.

Yeas 24; Nays 7.

Yeas:

Messrs.:	Giles	Lolley	Radney	
Adams	Gilmore	McCarley	Skidmore	
Albea	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Jackson	Oden	Turner	
Cooper	Lindsey	Pelham	Vacca	
Engel				—24

Nays:

Messrs.:	Carr	Hawkins	O'Bannon	
Bailes	Dominick	Nabors	Pierce	
				—7

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 286. To repeal Act No. 293, H. 35, approved July 26, 1951, an act imposing extra, new and additional duties upon the commissioner of agriculture and industries in relation to or connected with the department of corrections and institutions, eleemosynary institutions, and the state highway department (Acts 1950-51, v. 1, p. 585).

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 693. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 23, 25, 26 and 35, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 694. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 1, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 695. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 27 and 28, Township 16 North, Range 17 East, Montgomery County, Alabama.

Also:

S. 696. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery, Alabama.

Also:

S. 644. To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

Also:

S. 815. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Also:

S. 816. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Also:

S. 573. To amend the title and Sections 1, 2, 3, 4 and 5 of Act No. 481, H. 872, Regular Session 1961 (Acts 1961, p. 540) which act authorizes the establishment of a recreation board in all cities having a population of as many as 100,000 and not more than 200,000 people according to the last or any subsequent decennial federal census and provides for the appointment, duties, powers and authority of said board and that of any such municipality with respect to furnishing recreational facilities independently or jointly with the county or city or county school board, so as to include parks within the purview of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills, and returns same herewith to the Senate:

S. 593. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

Also:

S. 624. Relating to counties having a population of not less than 100,000 nor more than 115,000; providing expense allowances for certain officers in such counties.

Also:

S. 647. To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Also:

S. 676. To require the teaching of Bible history in all public high schools in counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to provide for instructors of such courses; to repeal conflicting laws and specifically to repeal and supersede conflicting provisions of Sections 322 and 408 of Title 52, Code of Alabama 1940, as amended to the extent of such conflict as to all counties to which this act applies.

Also:

S. 697. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Also:

S. 691. To extend, alter and rearrange the boundary lines and corporate limits of the town of Lincoln, Talladega County, Alabama:

Also:

S. 448. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Sections 14, 15, 22, and 23, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

S. 124. To further provide for supernumerary district attorneys.

Also:

S. 449. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 572. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 698. To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 208. To promote highway safety; to authorize the director of public safety to enter into agreements with authorities in charge of federal military installations providing for and regulating the reciprocal

recognition of point values assessed against drivers of motor vehicles because of violations of motor vehicle and traffic laws under the Traffic Point Systems applicable in the State of Alabama and on such installations.

Also:

S. 715. To amend Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940, which relate to capital outlay warrants issued by any County Board of Education or City Board of Education, so as to clarify the said sections and so as to revise the provisions thereof as to the maximum interest rate, the maximum net interest cost, and the amount of redemption premiums that are permitted with respect to such warrants.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 699. To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Also:

S. 716. To apply only in counties having populations of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census, fixing the per diem pay for members of the county board of equalization.

Also:

S. 727. To amend Act No. 113, S. 4, Special Session 1961 (Acts 1961, p. 809) relating to judicial circuits composed of only one county and having populations of not less than 60,500 and not more than 65,000 inhabitants according to the most recent federal decennial census which authorizes the district attorney of said circuit to appoint a stenographic secretary, so as to provide further for the compensation of such secretary.

Also:

S. 767. Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

Also:

S. 779. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses, on the

Senate amendment to the bill, H. 513. Said report of said Conference Committee being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE

We, your Committee on Conference, appointed on the disagreement of the two houses on the Senate amendment to House Bill No. 513, beg leave to report as follows:

(1) We recommend that the Senate and the House adopt the attached Conference Committee substitute for the bill.

HUGH D. MERRILL
Chairman
CHARLES T. MATHEWS
WALTER EUGENE GARRETT
Conferees on the part of the House

STEWART O'BANNON, JR.
WOODROW ALBEA
HUGH MORROW, III
Conferees on the part of the Senate

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 513

A BILL
TO BE ENTITLED
AN ACT

Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Constitutional Commission, hereinafter referred to as "Commission", consisting of twenty-one members appointed as hereinafter provided.

Section 2. The Commission shall consider and investigate the necessity for and the extent and nature of desirable amendments to or general revision of the Constitution of 1901 of Alabama, and the appropriate procedures for submission and adoption of such amendments or revisions.

Section 3. The Commission shall make specific recommendations for amendments or revisions of the Constitution in a report to the Legislature through the President of the Senate and Speaker of the House of Representatives, and to the Governor, on or before the commencement of the Regular Session of the Legislature in 1971.

Section 4. The Commission shall hold public hearings, which shall be attended by not less than five members of the Commission, with respect to all constitutional amendments or revisions proposed to be recommended in its report in each of the Cities of Decatur, Birmingham, Montgomery, and Mobile at such times as it may determine, and it may hold such hearings at such other places and times as it may determine. The substance of all proposals to be discussed at such hearings shall be published at least two weeks in advance of the hearings in a daily newspaper or newspapers of general circulation in the area of the hearings as the Commission shall select.

Section 5. The Commission is authorized to employ professional assistants and advisers and clerical and other personnel and to appoint such advisory committees, all as it deems necessary; provided, however, that all persons employed and appointed under this section shall be bona fide residents of Alabama.

Section 6. All agencies of the State and its political subdivisions, including all colleges and universities supported in whole or in part by state funds, are directed to furnish such offices, facilities, advice, assistance and information as the Commission may request, to the extent reasonably within the ability of the agency, and the Commission is authorized to request and receive the benefits of same.

Section 7. The Commission shall cause its final report and such tentative and interim reports and recommendations as it may determine, to be printed for general circulation in such form and quantities, and on such terms as it shall prescribe. All of said reports and recommendations shall be of a public nature and shall be printed as provided in Code of Alabama, Title 55, Chapter 4, Article 4, Subdivision 2.

Section 8. The Commission shall consist of twenty-one members, of whom at least two shall reside in each Congressional District, selected as follows:

(a) Fourteen members shall be appointed by the Governor;

(b) The President of the Senate and the Speaker of the House shall be members of said Committee by reason of their office;

(c) Three members shall be appointed by the Speaker of the House from the membership of the House;

(d) Two members shall be appointed by the President of the Senate from the membership of the Senate.

Section 9. All appointments and acceptances shall be filed with the Clerk of the House, and published with the Acts of the Legislature. Members shall not be subject to removal. Vacancies resulting from death, incapacity as determined by the Commission, or resignation shall be filled by the officer making the appointment to the place in which the vacancy occurs. The Commission shall, by a majority vote of the whole Commission, designate one of its members as Chairman.

Section 10. The members of the Commission shall be entitled to receive thirty dollars ($30.00) per diem and mileage on actual meeting days.

Section 11. The Commission shall adopt such rules, regulations and procedures for the conduct of its hearings, its committee meetings and other business of the Commission, as the Commission shall best determine. In adopting reports, making recommendations, determining the holding of public hearings, authorizing the use or disbursement of funds, and in other matters requiring Commission approval, the Commission shall act by a majority of its members present at a meeting thereof at which a quorum is present or by the written consent of a majority of its members. For the purposes of this Section, a quorum shall consist of thirteen members of the Commission.

Section 12. The Commission is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created in the State Treasury a fund which shall be known as the Constitutional Commission Fund. This fund shall consist of: (a) all moneys appropriated to the Commission by the State Legislature of Alabama; (b) all moneys received by the Commission by appropriation from county or municipal govern-

ments. The fund shall be used and expended as directed by the Commission.

Section 13. There is hereby appropriated to the Commission from the State General Fund the sum of $100,000.00.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Said report of the Committee on Conference was adopted by a vote of Yeas 77, Nays 14.

And said bill:

H. 513. Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

together with the Report of the Committee on Conference is herewith sent to the Senate for its consideration:

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE REPORT

On motion of Mr. Albea, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement between the two Houses on the Senate amendment to the Bill, H. B. 513, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 28; Nays 3.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Gilmore	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Dominick	Lindsey	Pelham	Vacca	
Engel				—28

Nays:

Messrs.:	Branyon	Givhan	McCarley	
				—3

RESOLUTION

Messrs. Goodwyn, Pierce and Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 87. WHEREAS the Lurleen B. Wallace Cancer Hospital Fund, Inc. is developing a co-ordinated cancer control and treatment program within Alabama, and

WHEREAS such an effort must be certain of adequate contact and cooperation with health agencies and programs already in existance if efforts in cancer control are to prove effective, and

WHEREAS there presently exists no means by which all such efforts in the field of cancer control might be co-ordinated, and

WHEREAS it is the sense of the House and Senate of Alabama in the Legislature Assembled that the Lurleen B. Wallace Cancer Hospital Fund, Inc. be fully supported, now

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

(1) That all efforts and means should be used by the various agencies and departments of the government of the State of Alabama to co-ordinate effort toward the control, detection, treatment of cancer, education and research related thereto, as well as comprehensive functional plans, management, and location of pertinent physical facilities and the use of federal and foundation funds for such purpose in an optimum manner, and

(2) That the Governor of Alabama is urged to establish by executive order an ad hoc committee for comprehensive cancer control in Alabama such committee to consist of the Director of the Bureau of Health Facilities Construction of the State Department of Health; the Director of the Office of Comprehensive Health Planning of the State Health Department, the Chairman of the Board of Censors of the Alabama Medical Association; the Director of the Lurleen B. Wallace Cancer Hospital Fund, Inc., Chairman; the Director of the Bureau of Preventable Diseases of the State Department of Health, the State Finance Director (who shall be the representative of the Governor); a representative of the Alabama Regional Medical Program; the President of the Senate; Speaker of the House; and the Governor's representative to the Appalachian Regional Commission, for the purpose of effectuating the above for the general well being of the people of Alabama, and

(3) That said ad hoc committee meet within two weeks of its formation and elect any other necessary officers, and determine all procedures of operation, and

(4) That said ad hoc committee shall do all within its power to enlist local governments and their agencies within each of the seven medical regions in the effort to build regional cancer detection units.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN LOST

At 7:07 P.M., Mr. Pelham moved that the Senate adjourn until Friday, August 15, 1969, at 11 o'clock A.M.

Mr. Dominick moved as a substitute motion that the Senate adjourn until Tuesday, August 19, 1969, at 12 o'clock Noon, which motion was lost.

Yeas 9; Nays 20.

Yeas:

Messrs.:	Childs	McCarley	Radney	
Bailes	Dominick	McDermott	Skidmore	
Branyon	Harris			—9

Nays:

Messrs.:	Gilmore	Lindsey	Pelham	
Albea	Givhan	Lolley	Pierce	
Carr	Goodwyn	Morrow	Stone	
Cooper	Hawkins	Nabors	Turner	
Folsom	Jackson	Oden	Vacca	
Giles				—20

The question then recurred on the motion of Mr. Pelham that the Senate adjourn until Friday, August 15, 1969, at 11 o'clock A.M., which motion was lost.

Yeas 11; Nays 19.

Yeas:

Messrs.:	Harris	Nabors	Pierce	
Bailes	Hawkins	O'Bannon	Radney	
Goodwyn	Lindsey	Oden	Skidmore	
				—11

Nays:

Messrs.:	Cooper	Givhan	Morrow	
Albea	Dominick	Jackson	Pelham	
Branyon	Folsom	Lolley	Stone	
Carr	Giles	McCarley	Turner	
Childs	Gilmore	McDermott	Vacca	
				—19

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Watkins, Dill, Cherner, Money, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Waggoner:

H. 1396. To fix the compensation or salary of the Register of the Circuit Court in all Counties having a population of 600,000 or more according to the last or any succeeding Federal census and to provide for the payment thereof.

Also:

By Messrs. Dill, Watkins, Cherner, Money, Jackson (T), Holman, Meeks, Weeks, Waggoner, Adwell, Cook (Jefferson), Sessions and Yeilding:

H. 1397. To provide for the compensation to be paid the Deputy District Attorney who is elected by the people, and the Assistant Deputy District Attorney, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said Act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation to be paid the Deputy District Attorney who is elected by the people, and the Assistant Deputy District Attorney, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census, there shall be paid to the Deputy District Attorney, who is elected by the people, of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Deputy District Attorney, the same will make the total annual salary of each such Deputy District Attorney Seventeen Thousand Five Hundred Dollars ($17,500.00). The increase in salary provided in this Section 1 shall become effective on the first Monday after the second Tuesday of January, 1971, this being the beginning of the next term of said Deputy District Attorney.

Section 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last ar any succsucceeding decennial federal census there shall be paid to the Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Assistant Deputy District Attorney, the same will make the total annual salary of each such Assistant Deputy District Attorney Twelve Thousand Five Hundred Dollars ($12,500.00).

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: March 7, 14, 21, 28, 1969.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 28th day of March, 1969.

JOHN E. SMITH,
Notary Public.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Ellis, Waggoner, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Cherner:

H. 1398. To amend Act No. 91, H. 63, First Extra Session 1964 (Act 1964, Page 124), an act fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit.

Also:

By Messrs. Watkins, Money, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Cherner, Sessions, Yeilding and Dill:

H. 1399. To provide for the payment of expense allowance for county officers serving in the positions of Tax Assessor, Tax Collector, Treasurer, Probate Judge, and Members of the County Board of Registrars in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Also:

By Messrs. Meeks, Holman, Money, Weeks, Adwell, Ellis, Cook (Jefferson), Sessions, Yeilding, House and Gloor:

H. 1400. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

By Messrs. House, Money, Holman, Sessions, Cherner, Gloor, Cook (Jefferson), Dill, Jackson (T), Waggoner, Adwell, Meeks, Yeilding, Weeks, Kilgore, Watkins and Ellis:

H. 1415. To provide for and fix the salaries of members of the Commission or Board of Commissioners (including the president of such Commission or Board) of each city in the State of Alabama having a population of not less than 32,500 nor more than 33,500 inhabitants according to the last federal census, or which shall hereafter have such population according to any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; to provide further, that in such municipalities which own and operate light and power systems, and municipal water systems, one or either of them, that the president of such Commission shall be and act and be constituted as the Supervisor thereof and shall be responsible for the planning, supervising and financing thereof; to fix his duties and to provide and fix the salaries, to fix the time and regulate the mode of payment thereof, to be paid the president of such Commission for his services as such Supervisor out of the funds of such municipal light and power system, and municipal water system, one or either of them; to provide that this Act shall become effective on the first day of October, 1970.

Also:

By Messrs. Cook (Jefferson), House, Dill, Yeilding, Cherner, Money, Gloor, Watkins, Waggoner, Holman and Weeks:

H. 1416. To amend further Act No. 421, H. 932, Regular Session, 1957 (Acts 1957, p. 587), an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, in relation to the salary of said assistant.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To amend further Act No. 421, H. 932, Regular Session, 1957 (Act 1957, p. 587), an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, in relation to the salary of said assistant.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 421, H. 932, Regular Session, 1957 (Acts 1957 p. 587), as amended, an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, is hereby further amended to read as follows:

"Section 3. That said assistant to the Sheriff shall be paid an annual salary of Fourteen Thousand Five Hundred Dollars ($14,500.00), to be paid out of the County Treasury as the salaries of other county employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA LEGAL ADVERTISER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of April 19, 26, May 3, 10, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 12th day of May, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Dill, Meeks, Money, Jackson (T), Ellis, Waggoner, Watkins, Weeks, Adwell, Cook (Jefferson), Sessions and Yeilding:

H. 1417. To establish an Inferior Court in Precincts 1 and 2 in Jefferson County, Alabama, in lieu of all Justices of the Peace in Precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer Division Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the methods of service of

all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

There will be introduced at the Alabama Legislature the following bill to become a Local Act:

A BILL
TO BE ENTITLED
AN ACT
AN ACT

To establish an Inferior Court in Precincts 1 and 2 and all other precincts lying within or partly within the Bessemer Division of Jefferson County, Alabama, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer Division Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: Feb. 21, 28, March 7, 14, 1969.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 1st day of August, 1969.

JOHN E. SMITH,
Notary Public.

Also:

By Messrs. Cook (Jefferson), Dill, Sessions, Yeilding, Money, Weeks, Watkins, Gloor, House, Meeks, Waggoner, Bowers and Adwell:

H. 1426. To fix the compensation or salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

By Messrs. Hobbie, Harris, McElhaney, Springer and Cameron:

H. 1404. To amend Section 1 of Act Number 432, House Bill 937, Regular Session, 1961 Legislature of Alabama, as amended by Act Number 28, Senate Bill 101, Special Session, 1966, Legislature of Alabama; an act to regulate the office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1396, 1397, 1398, 1399, 1400, 1415, 1416, 1417 and 1426. To the Committee on Local Legislation #2.

H. B. 1404. To the Committee on Local Legislation #1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Blanton:

H. J. R. 124. WHEREAS upon many of our four-lane state highways, there is no sign or notice posted to warn slow moving traffic to keep to the right lane; and

WHEREAS without such a notice or regulation requiring slow moving vehicles to exercise caution in this manner the danger of accidents and traffic bottlenecks are greatly increased; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the state highway department to promulgate the necessary regulation, if needed, and post signs or notices requiring slow moving traffic to keep to the right lane.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 124, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Edington, Lyons, Wood, Perloff, Collins (W), Grayson and Nettles:

H. J. R. 123. WHEREAS, the Alabama State Legislature is privileged to have among its members a woman Legislator, the lady from Mobile, Clara Stone Collins, and

WHEREAS, this lady has been elected first Vice-President and President-Elect of the National Order of Women Legislators, a nationally recognized organization which holds annual conventions to discuss legislative matters of mutual interest to the various states, and

WHEREAS, it is to the best interest of the State of Alabama to be officially represented at these conventions, especially in view of the fact that Representative Clara Stone Collins is President-Elect of this National Order;

NOW THEREFORE BE IT RESOLVED BY THE LEGISTALURE OF ALABAMA, Both Houses thereof concurring, That the lady from Mobile, Clara Stone Collins, be commended on her election as President-Elect of the National Order of Women Legislators, and that she be appointed Alabama's official delegate to the two annual conventions of the National Order of Women Legislators to be held in the next biennium, and that she be reimbursed for her ordinary and necessary expenses in attending these two conventions from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 123, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Givhan offered the following Senate Joint Resolution to-wit:

S. J. R. 88. WHEREAS the entire staff of the Legislative Reference Service has performed meritoriously in serving the members of the Legislature; and

WHEREAS in innumerable instances these services have been rendered at a personal sacrifice on the part of the members of the Reference Service Staff each of whom has gone far beyond the usual call of duty in an effort to supply the information and bills requested by the Legislature; and

WHEREAS the Legislative Reference Service has, by virtue of individual performances manifesting an extraordinary devotion to duty, kept abreast of a staggering workload during the absence of its late and beloved Director Charles M. Cooper, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to each member of the Legislative Reference Service our sincere thanks and hardy congratulations for their inestimable contribution to the legislative process here in Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the acting Director of the Legislative Reference Service.

On motion of Mr. Givhan, the Rules were suspended and said Resolution was then adopted by the Senate.

RECESS

At 7:30 P.M., on motion of Mr. Clark, the Senate took a recess until 8:15 P.M.

NIGHT SESSION

THIRTIETH LEGISLATIVE DAY

THURSDAY, AUGUST 14, 1969

The Senate reassembled in the Senate Chamber, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 64. Relative to the study of medical education in the State of Alabama as contained in the Booz, Allen and Hamilton Report.

Mr. Engel offered the following substitute for the Resolution, to-wit:

S. J. R. 64. WHEREAS it is the intention of the Legislature to increase the medical education in the State of Alabama essentially as set forth by the Booz, Allen and Hamilton Report, which was commissioned by the Legislature, and which said Report recommended additional medical education facilities and programs to meet the State's critical need for additional medical personnel by the most economical means possible; and

WHEREAS the Report recommended increased support for the Medical College of Alabama in order to expand the size of each class to 125 students, which will be possible under legislation now pending; and that as soon as possible an additional medical college be established in Mobile under the auspices of the University of South Alabama; and that a two year program of medical education be undertaken by the University of Alabama on the Tuscaloosa campus;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the critical need for additional medical education facilities makes it imperative that the recommendations of the Booz, Allen and Hamilton Report be implemented, and that the University of South Alabama forthwith begin planning of a medical school in Mobile and that the University of Alabama forthwith begin planning for a two year medical school in Tuscaloosa.

BE IT FURTHER RESOLVED, that, wherever appropriate, this planning be done jointly by said institutions.

Which was adopted.

And said Resolution, S. J. R. 64, as thus amended by the substitute, was then adopted by the Senate.

Yeas 24; Nays 5.

Yeas:

Messrs.:	Gilmore	Lolley	Radney	
Albea	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Cooper	Harris	Oden	Torbert	
Engel	Jackson	Pelham	Turner	
Folsom	Lindsey	Pierce	Vacca	
Giles				—24

Nays:

Messrs.:	Childs	Hawkins	Morrow	
Bailes	Dominick			—5

BILLS ON THIRD READING

The Bill:

H. 892. To authorize Alabama Public School and College Authority, a public corporation, to sell and issue additional bonds for the purpose of constructing and equipping capital improvements at state educational institutions where the board of directors of the Authority, with the approval of the Governor, shall determine that such capital improvements can be most advantageously located; to provide for the details of the said bonds and for the sale thereof; to make appropriation and pledge of funds for payment of the principal of and interest on the said bonds and authorize the Authority to pledge for payment of the said principal and interest the funds so appropriated and pledged herein; to provide that the said bonds shall be limited obligations of the Authority payable solely from the funds so appropriated and pledged and shall not create an obligation or debt of the state; to provide that the said bonds and the income therefrom shall be exempt from taxation and the said bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the refunding of such bonds by the issuance of refunding bonds; to adopt with respect to the said bonds certain provisions of Act No. 243 adopted at the 1965 Special Session of the Legislature of Alabama; and to specify certain other provisions respecting the said bonds.

was taken up.

Mr. Pelham offered the following amendment to the Bill, H. B. 892, to-wit:

AMENDMENT TO H. B. 892

In Section 2 at the end thereof and as a part of such section insert the following: Out of the proceeds of the bonds issued pursuant to this section, the Alabama Public School and College Authority is further authorized to use a portion of said proceeds for the purpose of planning, constructiong, and equipping a medical school at the University of South Alabama.

CALENDAR BILLS POSTPONED TO DAY CERTAIN

On motion of Mr. Turner, further consideration of the Bills, H. B.'s 892, 889, 861 and 862 was postponed until the Thirty-First Legislative Day.

ADJOURNMENT

At 10:30 P.M., on motion of Mr. Turner, the Senate adjourned until Friday, August 15, 1969, at 12 o'clock Noon.

THIRTY-FIRST LEGISLATIVE DAY

FRIDAY, AUGUST 15, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by Mr. E. R. Brannan, Minister, College Church of Christ, Alabama Christian College, Montgomery, Alabama.

RECESS

At 12:10 P.M., on motion of Mr. Turner, the Senate took a recess until 1:15 this afternoon due to a lack of a quorum.

The recess period having expired, the Senate was called to order by President Pro Tempore Goodwyn.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirtieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Thirtieth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Stone:

S. 896. Relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; providing further for the handling and use of the proceeds of gasoline excise taxes heretofore levied by the county governing bodies in any such counties.

Committee on Local Legislation No. 1.

By Mr. O'Bannon:

S. 897. Relating to counties having populations of not less than 46,500 nor more than 48,000, according to the most recent federal decennial census; and to fix the compensation of the solicitor of the law and equity courts in such counties; to repeal conflicting laws.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions and Yielding:

H. 1385. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), which Act established a Pension System for officers and employees of Jefferson County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given of intention to apply at the regular session of the Legislature of Alabama of 1969 for the adoption of an act which will be as follows:

AN ACT

To further amend Act No. 497 of the regular session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), which act established a pension system for officers and employees of Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is hereby further amended so as to read as follows:

"Section 1. Definitions: In this Act words used in the masculine gender shall include the feminine and neuter genders and words used in the neuter gender shall include the masculine and feminine genders. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning. (a) The term 'the system' shall mean the General Retirement System for Employees of Jefferson County established by this Act. (b) The term 'the previous retirement systems' shall include the retirement systems established by Act No. 551 of the Legislature of Alabama of 1953, (Ala. Acts, 1953, pages 766 et seq.), as amended, or by Act No. 843 of the Legislature of Alabama of 1961, (Ala. Acts, 1961, pages 1250 et seq.), as amended. (c) The word 'Board' shall mean the Pension Board provided for in this Act to administer the retirement system. (d) The word 'County' shall mean Jefferson County. (e) The word 'employee' shall mean any person employed by the County at a wage or salary payable at regular intervals, including those in the classified service and those not in the classified service according to any civil service system in operation in said County! and provided further, that a person shall be deemed to have been an employee of the County during all the period he served as an employee of a License Inspector prior to the time a retirement system became operative in the County not exceeding twenty (20) years whether such service was under the State of Alabama or under the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving or while he shall serve, as the Solicitor of the Court of Juvenile or Domestic Relations of the County, the Solicitor of the Jefferson County Criminal Court or as a deputy appointed by the Circuit Solicitor serving in the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving, or while he shall serve, as an employee of the Cooperative Extension Service of the State of Alabama, provided he was receiving or shall be receiving, monthly compensation from the County for service performed by him as such employee; and any person elected or appointed to a job or position with or for the County, whose compensation was paid, or shall be paid, in whole or in part, by said County, shall be deemed to have been, or to be, an employee of the County while occupying such job or position; provided, however, that the word 'employee' shall not include any person who is appointed or elected as a member of any board or commission of the County the service on which board or commission does not require full time service for the County or the members of which said board or commission receive no compensation except for meetings attended by them. (f) The term 'officer'

shall include any person occupying a County office in said County which is created by an Act of Legislature of Alabama, or is provided for by the Constitution of Alabama, and which requires regular full time service for said County, and the Circuit Solicitor serving in the County. (g) The word 'member' shall include any person who is a member of the system provided for by this Act. (h) The term 'paid membership time' shall include the time during which a member made, or shall have made, contributions to the fund of the system or to the fund of either of the previous retirement systems; provided, however, that if a member, on account of the termination of his service or for any other reason, withdraws contributions made by him to any pension fund, the period during which the contributions so withdrawn were made shall be considered as unpaid membership time, unless it is converted to paid membership time as hereinafter provided. Paid membership time shall include any unpaid membership time, as defined in subsection (i) of this Section which the member has converted into paid membership time by paying in to the fund of the system the amount he is required by this Act to pay thereto in order to convert unpaid membership time to paid membership time. Paid membership time shall also include service while one was on authorized military leave of absence from the County, provided, however, the County shall have paid into the fund an amount equal to twice the contributions which the one so absent would have made to the fund if he had not been absent on such leave and if his wages or salary had continued to be the same as he had been earning at the time of his leave. (i) The term 'unpaid membership time' shall include the period during which a member has served, or shall have served, with the County and during which he has not made, or shall not have made, contributions to the fund of the system or to the funds of either of the previous retirement systems. Unpaid membership time shall not include any unpaid membership time after the same has been converted to paid membership time. Unpaid membership time shall also include the time during which a person has been, or shall have been, employed on a full-time job, or position, in the service of any municipality, governmental agency, or subdivision, provided that at the time said person served with such municipality, governmental agency, or subdivision, it was subject to the county-wide civil service law in effect in the county; provided further, that no service with a municipality, governmental agency, or subdivision, shall be counted as unpaid membership time if the employee has received a pension from a municipality, governmental agency, or subdivision, on account of such service, or if such service has been considered in determining the amount of a pension allowed, or granted such employee on account of his service with the municipality, governmental agency, or subdivision. A person shall be deemed to have occupied a full-time job, within the meaning of this subsection (i), while he held an elective office or a position in the classified service (civil service). If such prior service (with a municipality, governmental agency, or subdivision) was not in an elective office or in a classified position, such prior service shall not be treated as unpaid membership time unless the employee involved establishes to the satisfaction of the Pension Board that such service was on a full-time job. The Legislature hereby makes a legislative declaration as to its intent with respect to the following provision which Act No. 408 of the Legislature of Alabama, 1967 (Ala. Acts, 1967, p. 1034), added to Section 1 of Act No. 497 of the Regular Session of the Legislature, 1965 (Ala. Acts, 1965, p. 717): 'The term 'unpaid membership time' shall so include the time during which a person has been, or shall have been, in the service of any municipality, governmental agency, or subdivision, provided that at the time said person served with such municipality, governmental agency, or subdivision, it was subject to the countywide civil service law in effect in the county.'

It is hereby declared that the term 'in the service of any municipality, governmental agency, or subdivision' employed in the sentence quoted next above, was intended to be limited to a full-time job, and was not intended to include a part-time job. (j) The term 'eight hundred dollar proviso' shall mean the provision contained in Section 9 of this Act which accord any person who is a member of the system on the effective date of this Act the option to subject to the salary deductions provided for in said Section 9 all salary earned by him from the County not exceeding eight hundred dollars ($800.00) per month, including salary earned by him prior to exercising such option. (k) Subject to the limitations and conditions hereinafter specified in this subsection (k) the term 'basic average salary' shall mean the average of the monthly salary paid to the member by the County over that period of sixty (60) consecutive months of his paid membership time during which his average monthly salary was higher than any other period of sixty (60) consecutive months of his paid membership time. In determining a member's basic average salary, only that part of his average salary which was, or shall be subject to deductions for pension purposes under the provisions of Section 9 of this Act shall be considered; provided, however, that if a member elects under the provisions of Section 9 to make the eight hundred dollar proviso apply retroactively to any period of his service, then for the purpose of determining his basic average salary he shall be deemed to have received during that period to which his said election retroactively applies all salary actually paid him not exceeding salary at the rate of eight hundred dollars ($800.00) per month. The salary received by a member during his unpaid membership time shall be considered in determining his basic average salary only to the extent that his unpaid membership time has been converted into paid membership time under the provisions of Section 9 of this Act. Separate periods of paid membership time may be tacked and considered as consecutive within the meaning of this subsection (k) if the member does not have in his favor any paid membership time between the periods so tacked."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 28th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Cherner:

H. 1386. To fix the compensation or salary of the Judges of the Civil Court of Jefferson County and to regulate the payment of the salaries of said Judges.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a Bill will be introduced at the next Regular Session of the Alabama Legislature, 1969, for the passage of an Act to increase the annual salaries of the Judges of the Civil Court of Jefferson County.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Sara Wheeler who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of March 8, 15, 22, 29, 1969, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 31st day of March, 1969.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Watkins, Dill, Money, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yielding and Cherner:

H. 1387. To provide for the payment of expense allowances for county officers serving the positions of Deputy Tax Assessor, Deputy Tax Collector, Deputy Treasurer in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Cherner:

H. 1388. To amend Section 10 of Act No. 556 of the 1959 Regular Session of the Legislature of Alabama (Acts of Alabama, 1959, pages 1376, et seq.), as amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951, (Acts of Alabama 1951, page 1579, et seq., as amended).

Also:

By Messrs. Watkins, Dill, Money, Ellis, Jackson (T), Waggoner, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Cherner, Sessions and Yielding:

H. 1390. To provide for the payment of expense allowances for county officers serving in the position of a member of the Board of Equalization and Adjustments in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions and Yeilding:

H. 1391. To amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965 (Ala. Acts 1965, p. 717) as heretofore amended, which Act establishes a pension system for officers and employees of Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given of intention to apply at the Regular Session of the Legislature of Alabama of 1969 for the adoption of an act which will be as follows:

AN ACT

To amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965 (Ala. Acts 1965, p. 717) as heretofore amended, which Act establishes a pension system for officers and employees of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717), as heretofore amended, is hereby further amended so as to read as follows:

"Section 10. Retirement for Superannuation. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

"Anything herein to the contrary not withstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years immediately preceding his retirement; provided, however, that the requirement of three (3) consecutive years service, immediately preceeding retirement, shall not apply to any member who retired or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceeding retirement.

"When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

"Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. After September 1, 1969, the provision of the next foregoing sentence shall not apply to any person except one who prior to said date shall have retired or become entitled to retire under the said provision.

"Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, upon application to be filed in the office of the Pension Board.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund of the system between the date of his retirement and the date on which the pension will commence the amounts hereinafter specified. The term (deferred pension, as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system hereinafter prescribed, payment of his deferred pension shall commence upon that date of the two following dates which first comes: (1) The date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amount hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) The amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement; and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the County at the same salary

he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age, and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining the age of fifty-five (55) years. In order for a member to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntarily retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his misappropriation of funds or property of the County, or to moral delinquency on his part.

"(b) Benefits. If upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and three-fourths percent (1¾%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One percent (1%) of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus.

(3) One-half of one percent (½ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

"In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of paid membership time or unpaid membership time less than one-twelfth (1/12th).

"If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

Age of Member on Last Birthday Preceding Retirement	Reduced Pension on Account of Retirement Before Age 60 Expressed as a Percentage of the Pension Which would Have Been Payable at Date of Retirement If the Member Were Then Age 60
59	93%
58	87%

57	82%
56	77%
55	72%
54	68%
53	64%
52	60%
51	57%
50	54%
49	51%
48	48%

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 28th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Dill, Yeilding, Cherner, Meeks, Waggoner, Holman, Money, Weeks, Adwell, Cook (Jefferson) and Sessions:

H. 1392. To establish an Inferior Court in Precincts 4, 5, 6, 7, 8, 9 and 10 and all other precincts lying within or partly within the City of Birmingham in lieu of all Justices of the Peace in said precincts, and in lieu of all Notaries Public with powers of Justices of the Peace and with concurrent Jurisdiction with all other Justices of the Peace and Inferior Courts created in lieu of Justices of the Peace in the Birmingham Division of Jefferson County, Alabama, where the amount in controversy is $100.00 or less; this court shall be a court of record and shall have concurrent jurisdiction with the Circuit Court, Tenth Judicial Circuit of Alabama, Birmingham Division, sitting in Birmingham, and with such other inferior courts in Jefferson County where the amount in controversy exceeds the sum of $100.00 and does not exceed the sum of $500.00; to define the jurisdiction and powers of said Court, the judge, clerks and other officers thereof: to provide for places for holding said court, term and salary of said judge, the manner of his appointment and election, and the payment of his salary: to provide for the abolishment of the

Court of General Sessions of Jefferson County formerly known as the Court of Common Claims: to provide for the transfer of all pending cases and records of the said court to the court created by this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a Bill will be introduced in the current session of the Legislature of Alabama for the passage of an Act to abolish the Court of General Sessions of Jefferson County in precincts 9, 10, 21, 42, 29, 45 and 52, now known as precincts 4, 5, 6, 7, 8, 9 and 10, in said County, as created by the Act of the Legislature of Alabama in Act No. 74, Page 94, 1st, and 2nd. Special Sessions 1964, and to establish an Inferior Court in said precincts and all other precincts lying within or partly within limits of the City of Birmingham, in lieu of all Justices of the Peace and all Notaries Public, with powers of Justices of Peace in said precincts and with limited concurrent jurisdiction with other courts in the Birmingham Division of the said County, to define the jurisdiction and powers of said Court, the Judge, Clerk and other officers thereof to provide for place or places for holding said Court, the manner of appointment, term and salary of said Judge; to regulate procedures, trials and appeals and preservation of records thereof.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personnally appeared Sara Wheeler, who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of May 17, 24, 31, June 7, 1969, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 9th day of June, 1969.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions and Yeilding:

H. 1393. To further amend Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 Et Seq.), which established a Pension and Retirement System for officers and employers of Jefferson County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN OF INTENTION TO APPLY AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1969 FOR THE ADOPTION OF AN ACT WHICH WILL BE AS FOLLOWS:

AN ACT

To further amend Act No. 497 of the Legislature of Alabama of 1965. Approved August 20, 1965 (Ala. Acts 1965, p. 717 et seq.), which established a pension and retirement system for officers and employers of Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 et seq., as herefore amended, is hereby further amended so as to read as follows:

"Section II. Joint Survivorship Pension Option.

"(a) The purpose of this Section II is to enable a member to provide for his widow or other dependents by accepting in lieu of the normal pension provided for by Section 10, above, a Joint Survivorship Pension payable so long as the member or his dependent lives. The Joint survivorship Pension shall be in an amount less than the amount payable under said Section 10. The amount of the monthly income under this option shall depend upon several factors including the age and sex of the member and of the dependent named. By written request of any member filed with the Pension Board within the time specified in the next succeeding sentence, and upon compliance with such further conditions as may be set forth by the Pension Board and as may be applicable to the particular request, any member may elect to receive the joint Survivorship pension in lieu of the pension provided for in Section 10, above. Such written application shall be filed with the Pension Board at least one year prior to the date of the applicant's actual retirement; provided, however, that such application may be filed within ninety (90) days from the effective date of this sentence in this subsection (a), even though filed less than one year prior to the date of the applicant's actual retirement.

"Following a member's retirement he shall be entitled to receive the pension provided for him in his Joint Survivorship Option. Under the Joint Survivorship Option the monthly payments provided for thereby will be paid to the member, or to the dependent designated by such member, provided his dependent survives after the death of the member; and the payments will terminate with the last monthly payment preceding the second death. Under the Joint Survivorship Option no benefit shall be payable to a dependent of a member in the event the member dies prior to the date on which he becomes eligible and entitled to retire and receive a pension, unless the member has made the prepayment provided for in subsection (b), below. It is provided, however, that if a member serves until he becomes eligible and entitled to receive a pension, the pension provided for his dependent under the Joint Survivorship Option shall be payable to the dependent following such member's death, if the dependent survives, irrespective of whether the member retired prior to his death or remained in the service until his death.

"The amount of payments to members and the amount of payments to dependents under the Option shall be such amounts as shall be determined from tables or schedules adopted and published, from time to time, by the

Pension Board after the Board has considered the opinions and recommendations of an actuary or actuaries. The amounts paid under said Option shall be the actuarial equivalents of the pension provided for by Section 10.

"(b) The word 'prepayment,' as used in this subsection (b), means a member's payment at the time herein specified to the retirement fund of the sum of money which this subsection (b) requires that he pay to the fund in order to entitle his widow or other dependent to receive the allowance under a Joint Survivorship Option if he dies prior to becoming entitled to retire and receive a pension. The term 'eligible date', as herein used in this subsection (b), shall mean the date on which a member becomes eligible to retire and receive the pension provided for in Section 10, or, in case of his death before that time, the term 'eligible date' shall mean the date on which he would have become eligible to retire and receive a pension had he lived and continued in the employ of the County.

"A member shall make the prepayment when he elects to obtain the Joint Survivorship Option. The election cannot be made without prepayment in full. The prepayment, required to be made by a member to the retirement fund as aforesaid, shall be an amount equal to the sum of the following: (1) The salary deductions which the member would pay to the retirement fund between the date of such election and his eligible date if he remained in the service of the County continuously between the two dates at the same compensation as is payable to him at the time the election is made; and (2) contributions which would be paid into the retirement fund by the County, under Section 9 of the Act, between the two last mentioned dates to match the member's salary deductions if he remained in the service of the County as aforesaid.

"The provisions of this subsection (b) shall apply to any member of the system who has accumulated as much as twenty-five (25) years service with the County, at least ten (10) of which shall be paid membership time, and who elects to make prepayment. Such election may be made at any time after the member has the service prescribed in the next foregoing sentence; provided, however, the Board may limit the time within which such election can be made following the member's accumulating the prescribed service. Such election shall be irrevocable. The election shall be made by the prepayment and by the member executing such instrument as may be prescribed by the Pension Board.

"The prepayment provided for in this subsection (b) shall be in lieu of the salary deductions and matching contributions by the County (required by Section 9 to be paid to the retirement fund) for and during the period between the date of the member's election to accept the Joint Survivorship Option and his eligible date; and during that period the deductions from the member's salary and the matching contributions required of the County, by Section 9 of the Act, shall cease. If a member remains in the service of the County subsequent to his eligible date, then the salary deductions and the matching contributions of the County, required by Section 9 of the Act, shall be resumed, commencing on his eligible date; provided, however, that for salary deductions and benefits payable after a member's prepayment he shall not be deemed to earn any monthly salary in excess of the monthly salary payable to him at the time of his prepayment; and provided, further, that any portion of his salary required by any provision of this Act to be excluded from his salary for any purpose under this Act shall continue to be excluded.

"Upon the retirement of a member who has made prepayment he shall receive the pension provided for in his Joint Survivorship Option. Upon the death of a member who has made such prepayment, whether his death occurs before or after his eligible date, his widow or dependent shall receive the pension as provided for in his Joint Survivorship Option; provided, however, that in no event shall any pension to his widow or dependent commence before his eligible date.

"(c) Any change made in this Section II by the amendment thereof during the 1969 Regular Session of the Legislature of Alabama shall not impair or affect in any way the right of any person which became vested by and through his exercise of the Joint Survivorship Option prior to said amendment."

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA LEGAL ADVERTISER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 28th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Cherner:

H. 1394. To fix the compensation or salary of the Judges of the Criminal Court of Jefferson County and to regulate the payment of the salaries of said judges.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a Bill will be introduced at the next Regular Session of the Alabama Legislature, 1969, for the passage of an Act to increase the annual salaries of the Judges of the Criminal Court of Jefferson County.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Sara Wheeler who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of March 8, 15, 22, 29, 1969, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 31st day of March, 1969.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Dill, Watkins, Cherner, Money, Holman, Meeks, Weeks, Adwell, Cook (Jefferson), Sessions and Yielding:

H. 1395. To fix the compensation or salary of the deputy probate judges or assistant judges of probate of any branch office of the Probate Court in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation or salary of the deputy probate judges or assistant judges of probate of any branch office of the Probate Court in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and provide for the payment thereof.

Section I: This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

Section II: That the deputy probate judges or assistant judges of probate of counties having a population of 600,000 or more shall receive a salary of $16,500.00 per annum, which salary shall be paid out of the County Treasury of said County in equal monthly installments.

Section III: That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section IV: This act shall be come effective on the first Monday after the second Tuesday in January, 1971.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: April 4, 11, 18, 25, 1969.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 25th day of April, 1969.

JOHN E. SMITH,
Notary Public.

Also:

By Mr. Holladay:

H. 1409. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

The following bill or act substantially as follows will be introduced at the next special or regular session of the Legislature of the State of Alabama:

A BILL
TO BE ENTITLED
AN ACT

To altar, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, are hereby altered, re-arranged and extended so as to include within the corporate limits of the City the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

All of Section 31, Township 16, Range 4 East, except the West Half of the Southwest quarter; all that part of Section 30 lying South of the South right of way line of Interstate I-20; and all that part of Section 29 lying South of South right of way line of Interstate I-20 and West of Cropwell-Greensport public road (also known as Spanish Gardens road); and all that part of Section 32 lying West of Cropwell-Greensport public road, all in Township 16, Range 4 East. ALSO, Section 6, less and except the West Half of the West Half thereof; Section 7, less and except the West Half of the West Half thereof; all that part of Section 5, except that portion lying East of Seddon Creek; and Section 4, less and except that portion lying below the 466 foot contour elevation line forming shore line of Logan Martin Lake, all in Township 17, Range 4 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ST. CLAIR.

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News Aegis, a newspaper of general circulation publisher in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, 17, 24, and 31, all in the year 1969.

E. R. BLAIR,

Sworn to and subscribed before me this 5th day of August, 1969.

SARA S. BELL,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1385, 1386, 1387, 1388, 1390, 1391, 1392, 1393, 1394 and 1395. To the Committee on Local Legislation No. 2.

H. B. 1409. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Burgess and Lybrand:

H. 1349. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

Also:

By Messrs. Meade and Beck:

H. 1352. Relating to counties having a population of not less than 16,300 and not more than 17,300 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Also:

By Messrs. Graham and Berryman:

H. 1353. Providing further for the construction, maintenance and repair of roads and bridges in Colbert County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Colbert County; providing for the transfer from the state highway department to the Colbert County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Colbert County roads and bridges; providing for the appointment of a county engineer; repealing Act No. 645, S. 593, Regular Session of 1965 (Acts 1965, p. 1164) and other conflicting laws; providing that this Act shall become effective only if approved at a referendum election in Colbert County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing further for the construction, maintenance and repair of roads and bridges in Colbert County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Colbert County; providing for the transfer from the state highway department to the Colbert County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Colbert County roads and bridges; providing for the appointment of a county engineer; repealing Act No. 645, S. 593, Regular Session of 1965 (Acts 1965, p. 1164) and other conflicting laws; providing that this Act shall become effective only if approved at a referendum election in Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of Colbert County shall be solely responsible for the con-

struction, repair and maintenance of the roads and bridges in the county. Except as herein otherwise provided the county governing body shall have all the powers and jurisdiction with respect to county roads and bridges which are, or which hereafter may be, vested in or required of courts of county commissioners, boards of revenue, or other like county governing bodies by the general laws of this state, or vested in or required of the governing body of Colbert County by local law; and the members of the county governing body of Colbert County except as herein otherwise provided, shall perform all the duties and services and shall exercise all the powers and authority with respect to the construction, repair and maintenance of county roads and bridges which are, or which hereafter may be, provided by law for members of courts of county commissioners, boards of revenue, or other like county governing bodies.

Section 2. When this Act becomes effective, any unexpended monies remaining in the fund required by law to be maintained by the state highway department for use in the construction, repair and maintenance of county roads and bridges in Colbert County shall except as may otherwise be provided by this Act, be paid over to the county governing body of Colbert County. Thereafter, all funds and monies designated by law for use in the construction, repair and maintenance of county roads and bridges in Colbert County to which Colbert County may be entitled, whether from the proceeds of the state gasoline tax, the motor vehicle license tax, or other state tax, or any federal aid accruals, or from any other source whatsoever, shall be paid to the county governing body of Colbert County by the appropriate county or state official.

Section 3. When this Act becomes effective, the state highway department shall transfer and turn over to the county governing body of Colbert County road equipment, machinery and supplies of like kind and equal in value to the road equipment, machinery and supplies which Colbert County was required to transfer and turn over to the state highway department in accordance with Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which required the state highway department to construct, repair and maintain roads and bridges in Colbert County.

Section 4. All persons employed by the state highway department in the construction, repair and maintenance of county roads and bridges in Colbert County upon the adoption of this Act shall cease to be employees of the state highway department, shall no longer be subject to the State Merit System Law, and shall insofar as is practical continue to be employed by the county in the construction, repair and maintenance of county roads and bridges in the county, subject to the approval of the county governing body.

Section 5. Any contract for the construction, repair of maintenance of county roads and bridges in Colbert County entered into by the state highway department prior to the adoption of this Act shall remain in full force and effect until the terms thereof have been complied with.

Section 6. All outstanding financial obligations which were incurred prior to the adoption of this Act for the construction, repair, or maintenance of county roads and bridges in Colbert County shall, upon the adoption of this Act, become outstanding financial obligations of Colbert County, and shall be retired or paid in accordance with the terms under which such indebtedness was incurred.

Section 7. The county governing body may appoint a county engineer, who shall possess all the qualifications prescribed for county engineers by the general laws of Alabama and who shall perform all the duties thereby required of county engineers. The engineer's salary shall be fixed and be payable in the manner described in the general law for fixing and paying the salary of county engineers.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Act No. 645, S. 593, Regular Session 1965 (Acts of Alabama, 1965, p. 1164), and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Section 10. The provisions of this Act shall become operative only if approved by a majority of the electors of Colbert County, voting in a referendum to be held three months after the date of its enactment. The county governing body of Colbert County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election and question shall be stated substantially as follows: "Shall the provisions of Act No. of the 1969 Regular Session of the Legislature, approved by day of , 1969, which provides for the transfer from the State Highway Department to the county governing body of Colbert County of certain duties relative to the construction, maintenance and repair of roads and bridges in Colbert County, be adopted? Yes ( ), No ( )." If a majority of the votes cast in the election are "Yes," then the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect. The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

PROOF OF PUBLICATION

STATE OF ALABAMA
COLBERT COUNTY

Before me, JoAnn Johnson, a Notary Public, in and for said State and County aforesaid, personally appeared Richard S. McGrew Sr., Publisher of The Centreville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in the Colbert County Reporter for 4 successive weeks, as follows: July 10-17-24-31, 1969. That Colbert County Reporter is a weekly newspaper of general circulation in Colbert County, Alabama; That it is entered in the Postoffice at Tuscumbia, Alabama, 35674, as second-class mailing matter; That it has been published for 52 successive weeks prior to the publication of this legal notice.

RICHARD S. McGREW, SR.,
Publisher.

Sworn to and subscribed before me, this 2nd day of August, 1969.

JOANN JOHNSON.

Also:

By Messrs. Stembridge and Crawford:

H. 1358. To divide Houston County into four commissioners' districts for the purpose of electing the members of the county governing body; and to

provide for the nomination and election of one member of such body from each district by the qualified electors of the district at the general election in 1970 and every four years thereafter.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To divide Houston County into four commissioners districts for the purpose of electing the members of the county governing body; and to provide for the nomination and election of one member of such body from each district by the qualified electors of the district at the general election in 1970 and every four years thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. Houston County is hereby divided into four commissioners' districts as follows: District Number 1 shall embrace and be composed of Beats 1, 2, 4, 5, 6, 7 and 15; District Number 2 shall embrace and be composed of Beat 17 (Wards 1 and 4 in the City of Dothan); District Number 3 shall embrace and be composed of Beat 3 (Wards 2 and 3 in the City of Dothan); and District Number 4 shall embrace and be composed of Beats 8, 9, 10, 11, 12, 13, 14, 16 and 18.

Four persons shall be elected to membership on the county governing body of Houston County at the general election in 1970, and every four years thereafter, one to represent each of the above described districts. Each member shall at the time of his election or appointment and so long as he holds office as a member of such governing body be a resident and qualified elector of the district he represents. He shall be nominated by the qualified electors of the district he represents in the manner prescribed for nominating candidates for other county offices; and he shall be elected by the qualified electors of the district. His term of office shall be for a period of four years beginning on the first Monday after the second Tuesday in January after his election and until his successor has been elected or appointed and has qualified.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Mirl Crosby, who is known to me and

who, being by me first duly sworn, deposes and says: That he is Publisher of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: July 15, 22, 29 Aug. 5, 1969 in The Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

MIRL CROSBY.

Sworn to and subscribed before me on this 6th day of August, 1969.

EUGENE McCLINTIC,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1360. Relating to Franklin County; to fix the compensation of members of the jury commission.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to fix the compensation of members of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in Franklin County shall be paid the sum of $15 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrants are to be issued by such probate judge upon evidence satisfactory to him that such service has been rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this Act supersedes Act No. 653, H. 878, Regular Session 1967 (Acts 1967, p. 1475) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Stembridge and Crawford:

H. 1359. To abolish the Board of Revenue for Houston County, created by Act No. 599, H. 898, of the Regular Session of 1949, and to relieve the judge of probate of Houston County of his duties, powers, and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and the chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To abolish the Board of Revenue for Houston County, created by Act No. 599, H. 898, of the Regular Session of 1949, and to relieve the judge of probate of Houston County of his duties, powers, and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and the chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue for Houston County, which is established pursuant to Act No. 599, H. 898 of the Regular Session of 1949 (Acts 1949, p. 931) shall upon the expiration of the term of the incumbent members thereof be abolished. At this same time the judge of probate of Houston County is hereby relieved of his duties, powers and authority as president and ex officio member of such governing body.

Section 2. There is hereby established in lieu of said Board of Revenue for Houston County a new county governing body to be known as the Houston County Board of Commissioners to consist of a chairman and four commissioners. The chairman shall be authorized to vote, however, only in case of a tie.

Section 3. At the general election in November 1970 and every four years thereafter the qualified electors of Houston County at large shall assume office on the first Monday after the second Tuesday in January after his election and shall hold office for a term of four years until his successor has been elected or appointed and has qualified. The chairman must be a resident and qualified elector of Houston County at the time of his election or appointment and so long as he holds such office. He may, however, reside anywhere in the county.

Also at the general election in November 1970 and every four years thereafter there shall be elected four members of the commission, one to represent each of the four commissioners' districts into which the County of Houston is divided by an act adopted at this current regular session of the legislature of 1969. Each member of such governing body shall at the time of his election or appointment and so long as he holds office as a member of such governing body be a resident and qualified elector of the district he represents. He shall be nominated and elected by the qualified electors of the district. His term of office shall be for a period of four years beginning on the first Monday after the second Tuesday in January after his election and until his successor has been elected and has qualified.

Section 4. There is hereby conferred upon the Houston County Board of Commissioners and the members and chairman thereof, all of the general authority, power and duties now provided, or which may hereafter be provided to boards of revenue or commissioners courts, under the general laws of the State of Alabama, and amendments thereto not inconsistent with the provisions of this Act, and for the acts of said board equal, several and joint liability are hereby fixed for the members thereof. And in addition to the above duties and powers set out, the members of the board of commissioners and the chairman thereof shall be charged with all the duties and responsibilities and shall have all the powers and authority heretofore had and exercised, pursuant too said Act No. 599 of 1949 by the Board of Revenue of Houston County and the chairman thereof; and they shall be subject to the same pains and penalties.

Section 5. In case of vacancy on the board of commissioners, such vacancy shall be filled by appointment by the Governor of Alabama, and the person appointed shall hold office for the remainder of the term and until his successor has qualified.

Section 6. As compensation for the performance of their duties the chairman of the board of commissioners shall receive a salary of $9,600 per

annum and the commissioners shall each receive a salary of $4,500 per annum. Such salaries shall be paid in equal monthly or semimonthly installments as the salaries of other county officers and employees are paid, and shall be paid out of such fund or funds in the county treasury as specified by such board of commissioners. In addition to such salaries the chairman and each commissioner shall also be entitled to receive from the county treasury an expense allowance of seventy-five dollars per month.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Mirl Crosby, who is known to me and who, being by me first duly sworn, deposes and says: That he is Publisher of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: July 15, 22, July 29, August 5, 1969 in The Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

MIRL CROSBY.

Sworn to and subscribed before me on this 6th day of August, 1969.

EUGENE McCLINTIC,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1361. Relating to Franklin County; to provide expense allowances payable from the county treasury for the coroner of such county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to provide expense allowances payable from the county treasury for the coroner of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner in Franklin County shall be entitled to an allowance for clerical or secretarial assistants of $75 per month, which shall be payable from the general funds of the county in equal monthly installments at the end of each month. The expense allowance provided in this Act shall be in addition to any other allowance or compensation provided by law.

Section 2. All laws or parts of laws in conflict herewith are repealed; and it is specifically provided that this Act supersedes Act No. 564, H. 721, Regular Session 1967 (Acts 1967, p. 1319) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1362. Relating to Franklin County; to authorize and provide for the deduction and withholding by the judge of probate of such county of a prescribed amount of the first monies accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to authorize and provide for the deduction and withholding by the judge of probate of such county of a prescribed amount of the first monies accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to Franklin County when its roads and bridges are constructed, maintained and repaired by the state highway department.

Section 2. Each year the judge of probate of Franklin County shall deduct $30,000 from the first monies collected by him from that part of the motor vehicle and trailer license taxes allocated to the county, and withhold this amount when he remits the county's portion of these taxes to the state highway department, pursuant to an act placing responsibility for the construction, maintenance and repair of such county's roads on the highway department. The judge of probate shall deposit the $30,000, so deducted and withheld, in a separate account in the county treasury. Monies in such account may, in the discretion of the county governing body, be used to defray expenses incurred by the county in administering and enforcing motor vehicle and traffic laws or in connection with or incident to establishing, changing or relocating roads and bridges in the county, including, but not limited to: paying the salaries and expenses of the sheriff and his deputies incident to the administering and enforcing of motor vehicle and traffic laws, such part of the expenses of maintaining and operating the jail as is incurred in enforcing motor vehicle and traffic laws, and such part of the expenses of the county governing body as are incident to the duties of the members thereof relative to roads and bridges.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws, general, local or special in conflict herewith are to the extent of such conflict hereby repealed. It is specifically provided that this Act supersedes Act No. 685, H. 843, Regular Session 1967 (Acts 1967, p. 1511), as to Franklin County.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1363. Relating to Franklin County; to regulate the compensation of members of the county board of registrars and to provide for payment of additional compensation from the county treasury.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to regulate the compensation of members of the county board of registrars and to provide for payment of additional compensation from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county board of registrars in Franklin County shall receive fifteen dollars ($15) per day for each day's attendance upon the session of the board. Of this, ten dollars ($10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars ($5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this Act supersedes Act No. 565, H. 722, Regular Session 1967 (Acts 1967, p. 1320) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1364. Relating to Franklin County; to regulate and provide for the payment of compensation of election officers.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to regulate and provide for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Franklin County shall each be entitled to ten dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198 as amended. The several claims of the election officers shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered. All amounts paid to election officers under this Act for compensation, per diem or mileage in excess of the amounts prescribed by general laws shall not be reimbursable by the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this Act supersedes Act No. 140, H. 409, Regular Session 1967 (Acts 1967, p. 476), as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1349, 1352, 1353, 1358, 1360, 1359, 1361, 1362, 1363 and 1364. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Berryman and Graham:

H. 1365. Relating to Franklin County; to provide additional expense allowances for members of the county board of education.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to provide additional expense allowances for members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Franklin County shall each be entitled to expenses in the amount of $17.50 per month. Such allowance shall be in addition to all other allowances for expenses heretofore provided for by law and shall be payable from the public school funds of the county at the end of each month.

Section 2. All laws and parts of laws in conflict herewith are repealed, and it is specifically provided that this Act supersedes Act No. 139, H. 407, Regular Session 1967 (Acts 1967, p. 475), as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1366. Relating to Franklin County; to provide a county supplement to the per diem compensation of members of the county board of equalization.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to provide a county supplement to the per diem compensation of members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of equalization in Franklin County shall each be paid out of the general funds of the county a per diem supplement of five dollars for each day such member is engaged in the discharge of his official duties, which shall be in addition to the per diem compensation paid by the state and county as otherwise provided for by law.

Section 2. This act supersedes Act No. 137, H. 405, Regular Session 1967 (Acts 1967, p. 474) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me August 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Messrs. Berryman and Graham:

H. 1367. Relating to Franklin County; to regulate the compensation of jurors.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Franklin County; to regulate the compensation of jurors.

Be It Enacted by the Legislature of Alabama:

Section 1. Jurors, grand and petit, in Franklin County, shall each be entitled to $10 for each day's service, ten cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he had paid, and the amount of compensation to which he is entitled. The certificate shall be received in payment of county taxes, and other county dues, and shall be payable out of the county treasurer.

Section 2. All laws or parts of laws, general, special or local, in conflict with this Act are hereby repealed, and it is specifically provided that this act shall supersede Act No. 138, H. 406, Regular Session 1967 (Acts 1967, p. 474) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1969.

CLAUDE E. SPARKS.

Sworn to and subscribed before me Aug. 7, 1969.

MAE G. STREIT,
Notary Public.

Also:

By Mr. Tuck:

H. 1368. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

Also:

By Mr. Tuck:

H. 1369. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

Also:

By Mr. Tuck:

H. 1370. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Also:

By Mr. Tuck:

H. 1371. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

Also:

By Mr. Tuck:

H. 1372. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

Also:

By Mr. Fine:

H. 1373. Relating to counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census; to fix the compensation of the chairman and each member of the board of equalization in such counties; to repeal conflicting laws.

Also:

By Messrs. Neville, Turnham, Young, Snell, Harper, Brassell, Paulk and Higginbotham:

H. 1374. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, and 1373. To the Committee on Local Legislation No. 1.

H. B. 1374. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Neville, Young, Turnham, Snell, Harper, Brassell, Paulk and Higginbotham:

H. 1375. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Also:

By Mr. Fite:

H. 1401. Relating to counties having populations of not less than 21,800 nor more than 21,850, according to the most recent federal decennial census; and providing for the reinstatement of the driving privileges of residents of such counties after suspension of such privileges pursuant to Section 5 of Act No. 704, H. 475, Regular Session 1951 (Acts 1951, p. 1224 at p. 1228).

Also:

By Messrs. Higginbotham, Brassell and Turnham:

H. 1407. Relating to counties having populations of not less than 49,500 nor more than 50,500; providing further for law enforcement in such counties; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated as the sheriff's fund; and providing for the use of such fund.

Also:

By Mr. Brassell:

H. 1408. Proposing an amendment to the Constitution of Alabama authorizing the imposition of a trial tax or other charge on litigation in certain courts of Russell County, the proceeds to be used for establishing, maintaining and operating a public law library in such county.

Also:

By Messrs. Hain and Blanton:

H. 1419. To provide a method for issuing motor vehicle license tags by mail in counties having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census by any Judge of Probate or License Commissioner charged with the duty of issuing such license tag.

Also:

By Messrs. Blanton and Hain:

H. 1420. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid for Dallas County funds to the associate circuit judge residing in said county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALLAS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Fourth Judicial Circuit, providing for a supplemental salary to be paid from Dallas County funds to any associate circuit judge residing in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county revenues of Dallas County, or other like governing body of said county, is hereby authorized, empowered and directed to supplement the salary paid by the State of Alabama to any associate judge of the Fourth Judicial Circuit residing in Dallas County, in such an amount as to make the total salary of such judge eighteen thousand dollars ($18,000) per annum. Such supplement shall be paid in equal monthly installments out of the general fund of the county in the same manner as other county officers are paid. The supplemental salary herein provided for shall become effective at the expiration of the term of the incumbent judge.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALLAS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Henry K. Lloyd, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Selma Times-Journal, a newspaper of general circu-

lation published in Dallas County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, June 9, and June 16, all in the year 1969.

HENRY K. LLOYD.

Sworn to and subscribed before me 18th day of July, 1969.

JOSEPHINE TIPTON,
Notary Public.

Also:

By Messrs. Beck and Meade:

H. 1428. Relating to counties having populations of not less than 41,000 nor more than 45,000; to provide for taxing and collecting of additional costs in certain courts in such counties for public law library purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1375, 1407, 1408, 1419, 1420 and 1428. To the Committee on Local Legislation No. 1.

H. B. 1401. To the Committee on Public Buildings and Grounds.

(The above numbered Bill, H. B. 1408, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Blanton:

H. 50. Relating to elections; to amend Code of Alabama, Title 17, Section 145, in relation to the number of signatures required on petitions for persons to become independent candidates, to define the term "political party," and making further provisions respecting Presidential Electors and to provide for the appearance on the ballot of names of nominees for President and Vice President of the United States; and to amend Code of Alabama, Title 17, Section 153, which relates to the form of ballot to be used at elections, consistent with the provisions of this Act so as to provide for voting for Presidential Electors and for making the returns on votes for Presidential Electors.

Also:

By Messrs. Melton, Mays and Wood:

H. 1285. To amend Section 1 of Act No. 60, Second Special Session 1965, Acts of Alabama, Second and Third Special Sessions, Vol. 1, page 85, an Act to levy and provide for the collection of a tax in the amount of one dollar ($1.00) upon each criminal and quasi criminal case docketed in every court in the State of Alabama, with certain enumerated exceptions as to courts and cases, so as to increase the amount of such tax.

Also:

By Messrs. Cook (Jefferson) and Gloor:

H. 1302. Relating to the execution of certain public contracts on which competitive bidding is required; amending Section 9 of Act No. 217, S. 23, Special Session 1967 (Acts 1967, p. 259) and further amending Section 9 of Act No. 343, H. 71, Regular Session 1957 (Acts 1957, p. 452), so as to extend the period for which contracts may be made for the purchase of personal property or contractual services, subject to certain options.

Also:

By Mr. Merrill:

H. 1105. To amend Act No. 15, Third Special Session, Acts of Alabama, 1965, to provide that the Director of the Department of Archives and History shall be the executive secretary and archivist of the Alabama Academy of Honor created by said act.

Also:

By Messrs. Merrill, Fite, Bank and Lybrand:

H. 1107. To authorize the court of county commissioners, board of revenue, or like governing body of the several counties of this state, to appropriate funds of the county to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc.

Also:

By Mr. Lybrand:

H. 584. To amend Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," by providing for and regulating certain paid leaves of absence for members of the faculty of such schools, caused by sickness.

Also:

By Mr. McLain:

H. 1002. To amend Section 5 of Act No. 926, approved 12 September 1951 (1951 Acts of Alabama, Act No. 926, page 1575) which Section pertains to an appropriation to make a contribution on behalf of the State of Alabama to the National Conference of Commissioners on Uniform State Laws.

Also:

By Messrs. McCorquodale, Stembridge, Brannan, Pruitt, Agee and House:

H. 593. To repeal Title 8, Section 95, Code of Alabama 1940; 1935 General Acts, Page 813, and to amend Act No. 187, H186, Acts of Alabama, Special Session 1961, Page 2157, approved September 15, 1961, which relates to licenses to capture and kill fur-bearing animals.

Also:

By Mr. Meade:

H. 775. To provide for installation of certain distinctive plaques in public school buildings, and making an appropriation to pay therefor.

Also:

By Messrs. Owen (Baldwin) and Brannan:

H. 993. To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof," so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 50, 1285 and 1302. To the Committee on Judiciary.

H. B.'s 1105, 1107 and 993. To the Committee on Public Buildings and Grounds.

H. B.'s 584, 1002 and 775. To the Committee on Finance and Taxation.

H. B. 593. To the Committee on Forestry and Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owen (Baldwin) and Brannan:

H. 1261. To provide expense allowances for the judge of the circuit court of the Twenty-Eighth Judicial Circuit of Alabama.

Also:

By Messrs. Owen (Baldwin) and Brannan:

H. 1265. Applying only in counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census; providing for additional meetings of the governing bodies of such counties and for additional compensation and expense allowances for the members of said body, including the chairman.

Also:

By Messrs. Robertson and Brown:

H. 1035. To alter or rearrange the boundary lines of the City of Northport, Tuscaloosa County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Tuscaloosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
TUSCALOOSA COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL
TO BE ENTITLED
AN ACT

TO ALTER OR REARRANGE THE BOUNDARY LINES OF THE CITY OF NORTHPORT, TUSCALOOSA COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY

ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY, THERETO, IN TUSCALOOSA COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Northport, in Tuscaloosa County, State of Alabama, be and the same hereby are altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Northport and in addition thereto the following described territory, to-wit:

PARCEL ONE:

Begin at a point 100 feet North of the Old U.S. Highway 82 Right-of-Way on the present city limits of Northport and proceed in a Westerly direction parallel with the old U.S. Highway 82 Right-of-Way across land belonging to Joe Shirley to land belonging to A. S. A. Roundtree; this land lies 853.31 feet West of the Southeastern Corner of the Northwest quarter of the Southwest quarter of Section 16, Township 21 South, Range 10 West; at property line turn North and proceed for a distance of 366.69 feet parallel to said section lines; turn West and proceed for a distance of 466.69 feet to Western side of the Northwest quarter of the Southwest quarter of Section 16, Township 21 South, Range 10 West; thence proceed along said line in a Southerly direction for a distance of 366.69 feet; thence turn West on a line 100 feet North of Old U.S. Highway 82 Right-of Way and proceed to the intersection with the East boundary of the M.A. Chism Subdivision as recorded in Plat Book 5 at Page 186 and Page 156; thence Northerly and thence Westerly around M. A. Chism Subdivision to the intersection with Van deGraff Airport property line; thence in a Southerly direction along airport property line to the intersection with the center line of River Road; thence in a Southwesterly direction along airport to a point on line with the Western boundary of the Carter Subdivision No. 2 as recorded in Plat Book 7 at Page 4; thence around the Carter Subdivision No. 2 to the Southeast corner of said subdivision; thence turn South along Eastern line and continue South for a distance of 150 feet; thence turn in an Easterly direction and run for a distance of 430 feet; thence turn North parallel to the Eastern boundary line of Carter Subdivision No. 2 and run a distance of 467 feet back to the intersection with River Road right-of-way; thence Northeasterly along the right-of-way to intersection with Old U.S. Highway 82 right-of-way; thence Easterly along right-of-way to the Intersection with Northport city limits, all of the above real property being located in Tuscaloosa County, Alabama.

PARCEL TWO:

Begin at the Northeast corner of Section 8, Township 21 South, Range 10 West and run thence South 5 degree East along the section line for a distance of 358 feet to the actual point of beginning, which is the Northeast corner of this parcel of property; thence continue to run in a Southern direction along the section line for a distance of 113.2 feet to a point which is another corner of this parcel of property; thence turn right 59 degree and 5' and run in a Southwestern direction in a straight line to a point on the East or Northeast boundary line of U.S. Highway No. 43; thence turn in a Northern or Northwestern direction along the East or Northeastern boundary line of the right-of-way of U.S. Highway 43 to a point which is 105 feet on a perpendicular from the Southeast boundary line of this parcel of property;

thence run in a Northeastern direction for a distance of 475 feet; more or less, to the first named corner of this parcel of property. It is the intention to herein describe and convey a parcel of land which is 105 feet in width, the strip being no wider than 105 feet in any place.

PARCEL THREE:

Start at the Southeast corner of Lot No. One of Vestavia Hills Subdivision, as recorded in Plat Book 7 at Pages 177 and 178, and run at right angles to Hunter Creek Road for a distance of 80 feet to the East margin of the road, being the point of beginning, which is the Southwest corner of the lot belonging to Robert Hamner; thence turn left 90 degrees and run 80 feet to the Northwest corner of Lot herein described; thence turn right 92 degree 4' and run a distance of 163.2 feet to the Northwest corner; thence turn right 86 degree 4' and run a distance of 80 feet to the Southwest corner; thence turn right 93 degree 56' and run to the point of beginning, all being in the Southeast quarter of the Northeast quarter of Section 10 Township 21 South, Range 10 West in Tuscaloosa County, Alabama.

PARCEL FOUR:

Begin at the Northwest corner of the Northeast One-Fourth of the Southwest One-Fourth of Section 10, Township 21 South, Range 10 West, and run in a Southern direction along the West Boundary line of the said Northeast One-Fourth of the Southwest One-Fourth for a distance of 426.1 feet to a point which is in the center of 28th Street in the City of Northport, Alabama; thence run in an Easter direction along the center line of 28th Street for a distance of 298 feet to a point, which is the Southwest corner of this parcel of property; thence continue to run in an Eastern direction along a prolongation of the center line of 28th Street for a distance of 300 feet to a point; which is the Southeast corner of this parcel of property; thence turn left 90 degrees and run in a Northern direction for a distance of 671 feet to a point on the Southern Boundary line of the right-of-way of U.S. Highway No. 82 (sometimes called U.S. Highway 82 By-Pass), which point is the Northeast corner of this parcel of property; thence return to the Southwest corner of this parcel of property and run in a Northern direction, making an inside angle of 90 degree and along the East boundary line of Longview Subdivision, a map or plat of which is on record in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 10 at Page 31, for a distance of 719.6 feet to a point on the Southern boundary line of the right-of-way of U.S. Highway No. 82; thence run in an Eastern direction and along the Southern boundary line of the right-of-way of U.S. Highway No. 82 for a distance of 303 feet, more or less to the Northeast corner of this parcel of property.

PARCEL FIVE:

Lot Number Eleven (11) of the Five Points Subdivision Survey by Mr. E. L. Hendrix for J. R. Faucett, recorded on Page 196 in Plat Book 5 and dated February 8, 1947, located in the Northwest quarter of the Northwest quarter of Section 9, Township 21 South, Range 10 West in Tuscaloosa County, Alabama.

PARCEL SIX:

A certain lot or parcel of land containing two acres, more or less, in the Northeast Quarter of the Northeast Quarter of Section 9, Township 21, Range 10 West, described more particularly as follows:

Beginning at the Southwest corner of the said Forty acre tract, run thence North four chains; thence East five chains; thence South four chains; thence West five chains to the point of beginning, being the same property conveyed to Will High by Frank Rice by deed dated November 2, 1923, less one acre, sold to John Jackson.

PARCEL SEVEN:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 10, Township 20 South, Range 10 West, which is the point on the line of the present city limits; thence around the perimeter of the Northeast Quarter of the Northeast quarter so as to include this forty (40) acres, complete.

PARCEL EIGHT:

Begin at point where the East boundary line of the SW¼ of the NW¼ of Sec. 16, Township 21 South, Range 10 West intersects South right-of-way line of G.M. & O.R.R.; thence SE along railroad right-of-way a distance of 415.5 feet to a point; thence a deflection angle of 118 degree 21' and proceed SW a distance of 408.8 feet to a point; thence turn a deflection angle of 45 degree 9' to right and run a distance of 820.9 feet to point. Thence turn a deflection angle to right 92 degree 00' and run a distance 615 feet North to a point on South right-of-way, line of G.M. & O.R.R.; thence turn a deflection angle of 104 degree 30' to the right and run a distance of 721.5 feet back to point of beginning.

The property described herein is Quinntown Subdivision, a plat of which is recorded in Plat Book 6 at Page 26 in the Probate Office of Tuscaloosa County, Alabama.

PARCEL NINE:

Beginning at the Northeast corner of the Carriage Hills Subdivision as recorded in Plat Book 10 at Page 55, which subdivision is in corporated in the present City Limits.

Thence North along the Section line between Sections 10 and Section 11 to the South right-of-way line of U.S. 82 By-Pass;

Thence west along the South right-of-way line of said highway to the point where the West line of the Southeast ¼ of the Northeast ¼ intersects the South right-of-way line, said point being in the present City limits.

Said property being in Section 10, Township 21 South, Range 10 West.

PARCEL TEN:

Begin at existing City Limits of Northport, Alabama, on Park Street (Watermelon Road) on West Section line of SW¼ of SW¼ Township 21 South, Range 10 West, Section 11, and run along East right-of-way of Watermelon Road in a Northeasterly direction for a distance of 35,500 feet, more or less, to intersection of yellow line on North River Reservoir (now under construction) in the SW¼ of SW¼ of Township 21 South, Range 9 West, Section 19, thence turn left and run along yellow line to intersection of West right-of-way of Watermelon Road, thence turn left and run along said West right-of-way in a Southwesterly direction for a distance of 35,500 feet, more or less, to the intersection of City of Northport City Limits. The above land being in Tuscaloosa County, Alabama.

PARCEL ELEVEN:

Start at Southwest corner of the SE¼ of Section 10, Township 21 South, Range 10 West, Tuscaloosa County, Alabama, run North along West SE¼ line to the North right-of-way of Park Street to the point of beginning run North along SE¼ line for a distance of 800' more or less to a point, then turn in a North-Northeasterly direction and run for a distance of 174 feet more or less to NW corner of a 2 acre Parcel belonging to Mrs. Ruth Hyche, thence run along NW property line for a distance of 210 feet to Northmost corner of said Parcel, then turn a 90 degree 00'angle right and run for 420 feet to North boundary of Park Street then run along said North boundary of said Park Street in a Southwesterly direction to point of beginning.

PARCEL TWELVE:

From the SW corner of the SE¼ of Section 10, Township 21, Range 10, Tuscaloosa County, Alabama, run Westwardly along the South boundary line of said Section 10 and the North boundary line of Section 15 ten feet to the point of beginning; thence at a deflection angle of 70 degree 45' to the right 119 feet along the Eastern boundary line of property devised herein above to George Rose, Erin Cruse Rose, and Annie Lou Rose, to a point on the South margin of the new Watermelon Road; thence 39 feet in an Easterly direction along the South margin of the new Watermelon Road to a point on the half-section line, thence South along the half-section line a distance of 20 feet to a point; thence at a deflection angle of 136 degree 25' to the left run 254 feet to a point on a small branch; thence follow the direction of the center of said branch to a point which is at a distance of 165 feet at a deflection angle of 79 degree 50'to the right; thence at a deflection angle of 62 degree 15' to the right run a distance of 286 feet to a point on the South boundary line of said Section 10 and the North boundary line of said Section 15 which point is 272 feet from the SW corner of the SE¼ of said Section 10; thence run in an Easterly direction along the South boundary line of (Section 10 and the North boundary line of) Section 15 149.4 feet to a point; thence at a deflection angle of 133 degree 45' to the right run 445.8 feet to a point; thence at a deflection angle of 113 degree 10' to the right run 343 feet along the Eastern boundary line of the George Rose, Erin Cruse Rose and Annie Lou Rose tract to the point of beginning.

LESS AND EXCEPT:

That part conveyed to George Rose by Viola R. Holcomb and her brother, Joseph E. Rose in 1959.

PARCEL THIRTEEN:

Beginning at the point where Hargrove Creek crosses U.S. Highway 82 By-Pass (Present City Limit) a strip of land 200 feet wide inside the right-of-way of Highway 82 and extending on the West along this right-of-way a distance of 9,800 feet to the Flatwoods Road.

PARCEL FOURTEEN:

Parcel A: Begin at the Northeast corner of lot formerly deeded to John Cooper Turner, from Morgan Turner, recorded in Deed Book 156 Page 96, thence back sight along North line and turn right 101 degrees and 57 minutes and run 271.5 feet to the Northwest corner of lot formerly sold to Ruth

Hyche, thence turn left 90 degrees 00 minutes and run 174 feet, more or less, to half Section line, thence South along one half Section line 800 feet, more or less, to North margin of Watermelon Road, thence Northeastward along North margin for a distance of 298 feet, more or less, to the Southwest corner of John Cooper Turner lot, thence North 36 degrees West 294 feet, thence turn right 90 degrees 00 minutes and run 175 feet to point of beginning.

Parcel B: All of the Quarter moon shaped piece of land South of new Watermelon Road built in 1941 and North of old road or land sold to Mr. Rose by Mr. Morgan Turner, being the parcel of land cut off of Morgan Turner land by new road located North of old road. All of the above two parcels being in the SW¼ of the SE¼ of Section 10, Township 21, South, Range 10 West, Tuscaloosa County, Alabama.

Beginning at the South center line of Section 10, Township 21, Range 10, and running North for a distance of 600 feet to a point, and then at an angle of 57 degrees, and 32 minutes to the right a distance of 150 feet to a corner or beginning point—using this point as a starting point for the property sold—at an angle of 90 degrees to the left, running a distance of 50 feet which point is the NW corner of said acre of ground, turn thence at an angle of 90 degrees, right and running a distance of 175 feet to the NE corner; thence at an angle of 90 degrees to the right running a distance of 220 feet south; thence along the North boundary of the Watermelon Road a distance of 190 feet more or less, and then North a distance of 244 feet to the point of beginning. This line is parallel to the eastern line.

Begin at Southeast corner of lot sold to J. C. Turner in 1929 and run North 32 degrees and 30 minutes East along the Watermelon Road 230 feet; thence run Westward at right angle to said road along West line of Ruth Hyche's 2 acres 420 feet to Northwest corner of 2 acres; thence South 24 degrees and 30 minutes East 271.5 feet along line of J. C. Turner lot to pipe; thence left 11 degrees and 57 minutes and run along the J. C. Turner lot 220 feet to point of beginning. Being 1.06 acres.

To find the point of beginning commence at the Southeast corner of the J. C. Turner property and run North 32 degrees 30 minutes East along the North side of Watermelon Road for a distance of Two Hundred Thirty (230) feet to the Southwest corner of the Property herein conveyed; turn thence at an angle of Ninety degrees to the left and run Northwest a distance of 420 feet to a point; turn thence at an angle of Ninety degrees to the right for a distance of 210 feet; run thence through an angle of Ninety degrees to the right for a distance of 420 feet to a point on the North side of the Watermelon Road; thence run Southeast through an angle of Ninety degrees to the point of beginning, containing two acres, more or less. All being in the Southwest Quarter of the Southeast Quarter of Section 10, Township 21, Range 10 West, Said land lying and being in Tuscaloosa County, Alabama.

Southwest ¼ of the Southeast ¼ of Section 10, Township 21, Range 10 West (except two acres deeded heretofore to D. L. Christian or his wife and to Martha J. Crowder. Being thirty eight acres more or less lying in Tuscaloosa County, Alabama.

PARCEL FIFTEEN:

Lot No. 3A of Five Points Subdivision as recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama.

PARCEL SIXTEEN:

All of Lot Number Forty-three (43) of Five Points Subdivision near Northport, Alabama, as shown and designated on a plat recorded in Plat Book 5, on Page 196 in the Probate Office of Tuscaloosa County, Alabama, reference to said plat or map being made in the aid of and as a part of this description.

PARCEL SEVENTEEN:

Begin at the Northeast corner of the Northeast One-Fourth of the Northeast One-fourth of Section 8, Township 21 south, Range 10 West, and run in a Southern direction along the section line for a distance of 584.4 feet to a point, which is the first-named corner of this parcel of property; thence turn right 59 degree 5′ and run in a Southwestern direction in a straight line to a point on the East or Northeast boundary line of U.S. Highway 43; thence run in a Southeastern direction along the East or Northeastern boundary line of U.S. Highway 43 for a distance of 355 feet to a point on the East boundary line of said Section 8; thence run in a Northern direction along the East boundary line of said Section 8 for a distance of 405.6 feet to the first-named corner of this parcel of property.

PARCEL EIGHTEEN:

Lots Number 44, 45, and 46 of the Five Points Subdivision as shown by that certain map or plat being Plat Book 5 at Page 196, recorded in the Probate Office of Tuscaloosa County, Alabama, reference to which is made in aid of and as a part of this description.

PARCEL NINETEEN:

Lots 24 and 25 of Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama, which map or plat book is made reference herein as if set out verbatin herein.

Parcel A: The South 60 feet of Lot 23 Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama.

Parcel B: Begin at the Southeast corner of said Lot 23 of Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama; thence run West 142.6 feet to the East margin of Byler Road; thence run South on an angle of 42 degrees 30 minutes East along the margin of Byler Road 94.4 feet; thence turn left and run 107 feet to the point of beginning.

PARCEL TWENTY:

Lot No. 5 of Five Points Subdivision a map or plat of which is recorded in Plat Book 5 at Page 196 which said map or plat is hereby used in aid of and as a part of this description; said plat is recorded in Probate Office of Tuscaloosa County, Alabama.

PARCEL TWENTY-ONE:

Tract A: Begin at the Watermelon Road and then run North 300 feet along the Section line thence run East 185 feet; then run South 220 feet; thence run West 190 feet along said road to point of beginning.

Tract B: Begin 205 feet North of SW corner of SW¼ of NW¼ and thence run North along section line 215 feet; then run East 210 feet; then run South 215 feet; thence West to point of beginning for 210 feet.

Tract C: Begin at a point 210 feet East of the SW corner of SW¼ of NW¼ and run thence South a distance of 80 feet to the point of beginning and being the NW corner of the property herein described; run thence further South to the North boundary of the Old Watermelon Road; thence East along the North boundary of said road a distance of 150 feet to point, thence North and parallel to the West section line of said Section 11, to a point that is 80 feet south of South boundary line of the SW¼ of NW¼ of said Section 11, thence run in a westerly direction and parallel to the South boundary of said One-Fourth section to the point of beginning.

Begin at a point 210 feet East of the SW corner of SW¼ of NW¼, run thence South 80 feet to the NW corner of the property, sold to Elmer Christian by the same grantors; run thence East parallel to North boundary line of One-Fourth section of the NE corner of property sold to Christian by grantors; run thence North parallel to the West line of Section 11 to a point on the South boundary line of SW¼ of NW¼, thence West along the South boundary line of One-Fourth section to the point of beginning, also a 25 foot right-of-way across the West side of the property therein conveyed from the Old Watermelon Road to the 80 foot lot above described:

Tract D:

Begin at a point 210 feet East of the SW corner of SW¼ of NW¼ of NW¼; run thence South parallel to the West Section Line a distance of 297 feet to the Watermelon Road; thence East along the North boundary of said road 150 feet to the point of beginning; thence North parallel to One-Fourth section line of the South boundary line of U.S. Highway 82 By-pass; thence run East 115 feet; thence run South parallel with the One-Fourth Section line to the point of beginning.

Section 2. This act shall be come effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
TUSCALOOSA COUNTY

Before me, Lullene DuBose, a Notary Public in and for the State and County aforesaid, personally appeared Karl S. Elebash, Jr., who being by me first duly sworn, deposes and says that during the times here in mentioned, he was publisher of the Graphic, a newspaper of general circulation published in said Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, 26, and July 3 and 10, all in the year 1969.

KARL S. ELEBASH, JR.,
Affiant.

Sworn to and subscribed before me on this July 10th, 1969.

LULLENE DuBOSE,
Notary Public.

The City Clerk is further directed to deliver the prepared Bills together with the publisher's affidavit to the Hon. Edward D. Robertson, Representative to the Legislature of Alabama from Tuscaloosa County, and respectfully request that he cause the same to be introduced into the Legislature of Alabama.

A. C. WILLIAMSON,
Clerk, City of Northport, Alabama.

G. ROSE,
Mayor, City of Northport, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1261, 1265, and 1035. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owen (Baldwin) and Brannan:

H. 1263. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Baldwin County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The Judge of Probate shall receive an annual salary of $20,000, which shall include his compensation for all ex officio duties.

The sheriff shall receive an annual salary of $20,000.

The Clerk of the Circuit Court shall receive an annual salary of $10,000, which shall include his compensation for all ex officio duties.

The register of the Circuit Court shall receive an annual salary of $10,000.

Section 2: The Court of County Commissioners, board of revenue, or other like governing body of Baldwin County, shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this Act in such number as may be reasonably necessary for the efficient conduct of their respective offices. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. However, the maximum allowances for clerk hire and salaries for assistants for each of such officers shall be as follows:

For the Probate Judge, the sum of $35,000 per annum.

For the Sheriff, the sum of $18,000 excluding salaries for deputy sheriffs.

For the clerk of the Circuit Court, the sum of $8,000 per annum.

In addition, the Probate Judge shall be entitled to ten cents per mile for each mile traveled on the annual visits to the precincts in October and November of each year; also the sheriff shall be entitled to the allowances payable by the state for feeding the prisoners and also such mileage and expense allowances as may be payable according to law for returning or transfering prisoners and insane persons to or from points outside the county.

Section 3: The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1, shall be paid into the general fund of the county. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries and other assistants shall be paid in equal monthly installments from the general fund of the county.

Section 4: The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall provide the officers named in this act with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of their respective offices; and shall allow the sheriff such an amount as may be necessary to pay the expenses of operation of his office, including travel expenses.

Section 5: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6: This Act shall supersede Act No. 357, H. 707, Regular Session 1963 (Acts 1963, p. 857), and all other laws or parts of laws in conflict herewith.

Section 7: This Act shall take effect on the expiration of the current term of office of each of the officers who are affected thereby.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1969.

J. H. FAULKNER, JR.

Sworn to and subscribed before me July 31, 1969.

DOROTHY MARTIN,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1263. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Owen (Baldwin) and Jackson (F):

H. 3. To amend Section 5 of Act No. 352, H. 44, approved August 23, 1957, General Acts of Alabama of 1957, page 464, as amended by Act No. 80, H. 118, approved September 30, 1965, page 110, so as to remove the requirement that an allocation be made as to each pool where there is an addition to an existing fieldwide unit.

Also:

By Messrs. Owen (Baldwin) and Jackson (F):

H. 2. To amend Sections 1, 2, 9, and 13 of Act No. 1, H. 46, approved May 22, 1945, General Acts of Alabama, 1945, page 1; to further amend Section 4 of Act No. 1, H. 46, approved May 22, 1945, as amended by Act No. 671, S. 407, approved September 19, 1949, General Acts of Alabama, 1949, page 1033; and to further amend Section 12 of Act No. 1, H. 46, approved May 22, 1945 as amended by Act No. 83, H. 6, approved April 12, 1956, General Acts of Alabama, Second Special Session, 1956, page 374, which Act provided for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama. The

amendments will update the terminology of the basic conservation statute necessitated by technological advances, remove the 40-acre limitation on spacing, authorize the Board to integrate undivided interests and authorize downhole commingling of production from thin sands.

Also:

By Messrs. Starnes, McLain, Money, Sessions, Brannan, Owen (Baldwin), Wright, Mays, Jones, Grainger, Laxson and Springer:

H. 44. To amend Sections 1, 6, and 9 of Act 217, Senate 23, page 259, Volume 1, Acts of Alabama, 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended, relating to competitive bidding in the expenditure of public funds.

Also:

By Messrs. Foshee and Jackson (F):

H. 361. To amend Section 2 of Act No. 1001, Acts of Alabama 1951 Regular Session of the Alabama Legislature, approved September 14, 1951, which prohibits certain methods for taking birds and animals in this State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 3 and 2. To the Committee on Judiciary.

H. B. 44. To the Committee on Finance and Taxation.

H. B. 361. To the Committee on Forestry and Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Perloff:

H. 1086. To amend Section 89 of Act No. 414, S. 261, Regular Session 1959 (Acts 1959, p. 1055, at p. 1099), known as the "Alabama Business Corporation Act," so as to provide further for contracts of corporations not qualified to do business in this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1086. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Springer:

H. 1405. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Also:

By Messrs. Jones, Laxson, Grainger, Pennington and McLain:

H. 1243. Relating to counties having a population of not less than 110,000 nor more than 160,000, prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations.

Also:

By Messrs. Laxson, Pennington, Jones, McLain and Grainger:

H. 1377. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1405, 1243 and 1377. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pennington, Turnham and McCorquodale:

H. 517. To amend Code of Alabama 1940, Title 22, Sections 37 and 42; Provision of blanks by the state registrar, issue of instructions, examina-

tion of certificates, and securing of additional information to complete the records, prescribed; increasing the fees for record and statistical services and appropriating fee receipts for operation of the vital statistics system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 517. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dill, Watkins, Gafford, Money, Holman, Weeks, Adwell, Ellis, Cook (Jefferson), Sessions, Yeilding, Cherner and Waggoner:

H. 1380. To fix and provide for the compensation or salary of the Judges of Probate in Counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

Also:

By Messrs. Watkins, Dill, Money, Jackson (T), Holman, Weeks, Meeks, Adwell, Cook (Jefferson), Sessions, Yeilding and Cherner:

H. 1381. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given of intention to apply at the Regular Session of the Legislature of Alabama of 1969 for the adoption of an Act which will be as follows:

AN ACT

To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965 p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 497 of the Regular Session of Alabama of 1965 is hereby amended so as to read as follows:

"Section 5. (a) Determining Service Credits. The Pension Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the Board allow credit as service for any period of more than a half month's duration during which the employee was absent without pay. In all such cases the records of the county personnel board and the records of employment of the agency or agencies of the county government employing such person shall be deemed, prima facie, to speak the truth. The decision of the Pension Board shall be final.

"(b) Correction of Records On Which Service Credits Are Based. The following words and terms have the meanings hereby ascribed to them: 'service record' means the employee's record of service upon which the Pension Board bases its determination as to the amount of benefit a person is entitled to receive, including records of the county personnel board and of the employment agency employing such person; 'employee' includes an employee and also any beneficiary entitled to a benefit under this system because of his or her relation to an employee belonging to this pension system.

"Subject to the conditions herein prescribed, the Pension Board shall correct any error in an employee's service record which the Pension Board concludes it is necessary to correct to remove an injustice or prevent a person from receiving less or more than the law entitles him to receive as a benefit from this pension system.

"The Pension Board shall adopt written rules prescribing the procedure the Board will follow in considering whether an error in an employee's service record should be corrected, under the provision of this subsection (b).

"The power of the Board to correct an error hereunder shall be subject to the following limitations:

(1) No error in the service record shall be corrected except by the Pension Board.

(2) The Pension Board shall not correct any error in an employee's service record until the Board has accorded, or offered to accord, the employee a hearing regarding the proposed correction, which hearing shall not be conducted until after the employee has received at least two weeks notice of the nature of the proposed correction and of the time and place at which the proposed correction will be considered.

(3) No correction of an error shall be made under this subsection (b) at an employee's request unless the employee files with the Pension Board his written request for such correction before the latter of the following dates: January 1, 1970, or the date one year subsequent to the employee's discovery of the error requested to be corrected; provided, however, the Pension Board may excuse an employee's failure to file such application for correction within one year following his discovery of such error, if the Board finds that excusing such failure would be in the interest of justice.

"(c) If the Pension Board, acting pursuant to the authority vested in it by subsection (b), above, determines that any amount has been erroneously deducted from the salary of an employee and paid into the fund, or that any amount has been otherwise paid into the fund erroneously upon behalf of any employee, such amount shall be refunded to the employees, and any amount

which may have been paid erroneously to match the employee's erroneous contribution to the fund shall be refunded to the particular fund from which such matching contribution was paid to the pension system fund. The Pension Board is authorized to determine whether interest shall be payable on any amounts returned, as aforesaid, and to determine the amount of such interest to be paid, if any; provided, however, that no interest shall be paid to any employee responsible for the error resulting in the erroneous payment."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 28th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Watkins, Dill, Adwell, Money, Jackson (T), Ellis, Waggoner, Holman, Meeks, Weeks, Cook (Jefferson), Sessions and Yeilding:

H. 1382. To amend Section 4 of Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959 (Acts of Alabama of 1959, Page 1376 et seq.), as amended, which Act established a Pension and Relief or Retirement and Relief System for firemen and policemen who are members of any Pension and Relief System heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama 1951, Page 1579, et seq., as amended).

Also:

By Messrs. Watkins, Adwell, Cherner, Money, Jackson (T), Dill, Holman, Meeks, Weeks, Cook (Jefferson), Sessions and Yeilding:

H. 1383. To amend Act Number 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.) entitled, "To create or provide in

or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such System."

Also:

By Messrs. Dill, Watkins, Money, Holman, Meeks, Weeks, Adwell, Ellis, Cook (Jefferson), Sessions and Yeilding:

H. 1384. To fix and provide for the compensation or salary of the Assistant or Associate Judges of Probate in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1380, 1381, 1382, 1383 and 1384. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Berryman:

H. 1253. Relating to counties having a population of not less than 21,900 nor more than 22,300, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees.

Also:

By Messrs. Starnes, McDonald and Drake:

H. 1290. Relating to counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to provide for an expense allowance for certain officers to be paid from the general funds of the county; to repeal conflicting laws.

Also:

By Mr. Brassell:

H. 1333. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Russell

County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF RUSSELL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Russell County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any case, action or proceeding hereafter filed, whether at law or in equity in the circuit court of Russell County or in the court of common pleas of Russell County, there is hereby authorized to be charged a tax of $2.00 which tax shall be in addition to all other court costs heretofore authorized to be charged. The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Russell County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Russell County law library fund, and shall be expended by the judge of the circuit court of Russell County for establishing, maintaining, equipping, and operating a law library in the courthouse at Phenix City, such funds to be expended, in the discretion of the judge, to provide furniture, fixtures, supplies and equipment for the library, and to keep the same in a good state of maintenance and repair; to establish, enlarge, expand, and improve the library and its facilities and equipment; to provide books, reports and periodicals for the library, and to pay the compensation of such personnel as may be necessary and proper, in the opinion of the judge, to operate the library. Said judge shall be authorized to appoint either the register or the clerk of the circuit court to be librarian. The judge of the circuit court shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs above referred to shall be designated as law library fee. On or before the tenth of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the judge of the circuit court of Russell County, and all books, periodicals, reports and personal property purchased with the funds produced by this act shall be the property of Russell County, Alabama; provided, however,

that said judge may from time to time sell or exchange such books, reports, periodicals, and personal property as may be necessary to keep said library up to date and apply the proceeds of the sale thereof or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in said library. The judge may accept any gift or loan of any books, reports, periodicals, and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of October 1969.

NOTICE OF PUBLICATION

STATE OF ALABAMA
RUSSELL COUNTY

Before me, the undersigned authority, personally appeared Jane Gullatt, who after being duly sworn, deposes and says: That she is publisher of The Phenix City-Herald, a newspaper published in Phenix City, Russell County, Alabama, in the English language, and said newspaper having been published consecutively for more than twelve months and mailed as second class mail matter in the United States Post Office at Phenix City, Alabama, and that said newspaper has a general circulation in Phenix City, Russell County, Alabama, and that the attached notice of publication pertaining to A Bill, Public Law Library, appeared in The Phenix Citizen on the following dates: June 26, 1969; July 3, 1969; July 10, 1969; July 17, 1969.

JANE GULLATT,
Publisher.

Sworn to and subscribed before me on this the 30th day of July, 1969.

DIXIE G. HOLT,
Notary Public.

Also:

By Messrs. Smith and Bolton:

H. 1335. To establish a barber commission in counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; to define its duties and powers; and to authorize the county governing body to furnish such commission office space, fixtures and clerical assistance; to fix and provide for payment of the compensation of the commissioners.

Also:

By Messrs. Smith and Bolton:

H. 1336. Relating to counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; pro-

viding further for the distribution of fines from convictions in certain cases of traffic violations.

Also:

By Messrs. Owen (Baldwin) and Brannan:

H. 1343. Relating to counties having populations of not less than 48,500 nor more than 49,500, to provide that the county governing bodies of such counties shall furnish necessary transportation for travel on official business for certain county officers.

Also:

By Messrs. Brannan and Owen (Baldwin):

H. 1345. Relating to counties having populations of not less than 48,500 nor more than 49,500, authorizing the governing body of any such county to appropriate county funds to certain non-profit organizations.

Also:

By Mr. Lemley:

H. 1346. Relating to counties having a population of not less than 25,400 and not more than 25,500 and establishing the procedure for the selection of a depository of the funds of the Board of Education of any county to which this act applies and fixing the compensation for the members of the County Board of Education in any county to which this act applies.

Also:

By Mr. Owens (W):

H. 1347. Relating to counties having populations of not less than 14,300 nor more than 14,800, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

Also:

By Mr. Owens (W):

H. 1348. Relating to counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1253, 1290, 1333, 1335, 1336, 1343, 1345, 1346, 1347 and 1348. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Springer:

H. 151. To provide for the adoption of adult persons and to declare the rights of the adopter and the adopted person.

Also:

By Messrs. Young and Lemley:

H. 1063. To authorize the Commissioner of Agriculture and Industries to approve and certify soil testing laboratories that make recommendations for fertilizer or plant food needs for agricultural purposes; to authorize the State Board of Agriculture and Industries to adopt rules and regulations prescribing requirements and standards for the certification of soil testing laboratories and to provide an exemption therefrom; to prohibit false or fraudulent representations concerning certification as authorized hereunder and to provide a penalty for violations.

Also:

By Mr. Springer:

H. 309. To further amend Section 18 of Title 61 of the 1958 Recompiled Code of Alabama which relates to the right of a widow to dissent from the will of her deceased husband.

Also:

By Messrs. Grainger, Pennington, Laxson, McLain and Jones:

H. 1313. To provide that for the conviction of persons who willfully allow or causes pain or injury to a child and to provide the punishment for such crime.

Also:

By Messrs. Marr, Melton, Downing, Perloff and Pennington:

H. 1172. To amend further Section 1 of Act No. 128, S. 120, Regular Session 1949 (Acts 1949, p. 154), entitled "An Act to provide for the service of process in civil suits upon non-residents of the State of Alabama and providing that any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the constitution and laws of this state as to doing business herein shall be deemed to have appointed the secretary of state, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served," so as to provide further for the service of process upon non-residents doing business in this state.

Also:

By Messrs. Holman and Bowers:

H. 84. To appropriate funds for the construction of a weather shelter for the guard-watchman at the Jessie Speight Mall and adjacent state owned parking areas.

Also:

By Messrs. Meeks, Cook (Jefferson) and Waggoner:

H. 377. Relating to blind and otherwise handicapped persons; to declare the policy of the State relative to such persons; to declare, define and safeguard certain rights, possessed by such persons, to prescribe penalties for denying or interfering with the enjoyment of such rights; and to place certain duties relative to such persons on drivers of motor vehicles, and on operators of common carriers, public accommodations and other places to which the public generally is invited; and to provide for proclaiming October 15 each year as "White Cane Day."

Also:

By Messrs. Lemley and Bowers:

H. 1072. To authorize the governing body of each county of the state to acquire by purchase, donation, or otherwise, land situated within the county, or within any adjoining county, for the purpose of establishing and maintaining on such land a public park or recreational area; to authorize each county to maintain and operate parks or recreational areas; to authorize the appropriation and expenditure of the funds of the county for such purposes; and to authorize two or more counties to cooperate in the joint establishment and operation of a park or recreational area.

Also:

By Mr. Starnes:

H. 632. To amend Act No. 566, Regular Session 1959 (Acts 1959, p. 1424) relating to frauds concerning checks, drafts, or orders by removing the ten day limitation for proof of payment to overcome the presumption of fraud raised by refusal by the drawee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 151, 309, 1313, 1172, 377, 1072 and 632. To the Committee on Judiciary.

H. B. 1063. To the Committee on Agriculture.

H. B. 84. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Harper and Collier:

H. J. R. 121. WHEREAS J. G. "Hot" O'Brien has completed thirty-two years of loyal and devoted service to Tallassee High School, and the Board of Education of Tallassee, Alabama; and

WHEREAS Mr. O'Brien has contributed greatly to the athletic and intellectual development of the youth of Tallassee through his years as head coach, teacher and principal; and

WHEREAS his services as director of the city's recreation program, as President of the Rotary Club and as a dedicated layman in his church have long benefited his community and the people of all ages with whom he has been in contact; and

WHEREAS Mr. O'Brien has been honored by the people of Tallassee and by the Mayor with the proclamation of J. E. "Hot" O'Brien Appreciation Day, to take place Saturday, August 16, 1969; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Mayor, and the city of Tallassee in honoring and commending Mr. O'Brien for his exemplary career of community service.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach O'Brien, the Tallassee Tribune and the Tallassee High School.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Radney, the Rules were suspended and the Resolution, H. J. R. 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Fite and Fine:

H. J. R. 122. WHEREAS, it is the will and intent of this legislature to authorize and create an advisory board to the Tombigbee Valley Development Authority, established by law by this Legislature in 1967; and approved by a Constitutional Referendum in December of that year; and

WHEREAS, this Advisory Board shall be constituted of two or more members from each of the Counties of Greene, Pickens, Sumter, Lamar, Marion, Fayette and Tuscaloosa; and

WHEREAS, these are the Counties to be most affected by the total development of the flood control, improvement, and future development of the tributaries of the Tombigbee River in Alabama, and the promotion of municipal and industrial water supplies for areas in these counties in cooperation and conjunction with the U. S. Army Corps of Engineers and any other Federal and State Agencies as necessary; and

WHEREAS, these members of the Advisory Board of the Tombigbee Valley Development Authority shall receive no salary or compensation other than actual expenses incurred in official business involving the duties, obligations, and meetings of the Advisory Board and such expenses shall be paid by the Tennessee-Tombigbee Waterway Development Authority or the governing bodies of the respective Counties; and

WHEREAS, this Advisory Board has no authority to tax or raise money, but it has the powers to accept grants of money, real estate, public or private property, from any federal, state, county, city or individual, and

WHEREAS, it is the will, intent and purpose of this Legislature to confer, no other powers to this Advisory Board other than those powers conferred upon it officially by the State Corporation, the Tombigbee Valley Development Authority, composed of the Governor, Presiding Officer of the Senate, Speaker of the House, State Finance Director, State Highway Director, and State Docks Director.

WHEREAS, the Governor shall appoint the members of the Advisory Board of the Tombigbee Valley Development Authority, upon the recommendations of the Tombigbee Valley Development Authority. All members appointed to this Board shall receive original copies of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Branyon, the Rules were suspended and the Resolution, H. J. R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Dill:

H. J. R. 119. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That there is hereby created an interim committee on reorganization of state government. This committee shall consist of fifteen members, three of whom shall be members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the Senate to be appointed by the presiding officer of the Senate, three of whom shall be appointed by the Governor, one of whom shall be the Governor, one of whom shall be the Speaker of the House of Representatives, one of whom shall be the presiding officer of the Senate, and three of whom shall be elected at large by the other twelve members.

This committee will report to the Legislature not later than the seventh legislative day of the next regular session of the Legislature. The committee's report shall consist of recommendations, to be determined at the discretion of the committee, for the reorganization of the executive and legislative

branches of the State of Alabama. This committee shall have only the power of recommendation.

This committee shall have the authority to hire, if necessary, a technically trained and professional staff to assist in making a comprehensive study of the reorganization of state government. Any cost so incurred shall be paid from funds heretofore appropriated for the expenses of the Legislature.

The necessary expenses of this study shall be paid from the general fund of the state. The expenses of the members of this committee shall be paid on a per diem basis as are the expenses of the members of the Leigslature when the Legislature is in session.

This committee shall be organized not later than thirty days after the adjournment of the 1969 Regular Session of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 119, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Morrow and Pierce:

S. 861. Relating to crimes and offenses; prescribing penalty for certain offenses relative to coin-operated devices, including but not limited to parking meters, vending machines, coin telephones.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hobbie et al:

H. 1404. To amend Section 1 of Act Number 432, House Bill 937, Regular Session, 1961 Legislature of Alabama, as amended by Act Number 28, Senate Bill 101, Special Session, 1966, Legislature of Alabama; an act to regulate the office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census.

By Mr. Harris (with notice and proof):

S. 884. To repeal Act No. 663, H. 902, Regular Session 1967 (Acts 1967, p. 1485), an Act providing for the payment into the general fund of Morgan County of all fees collected as solicitors' fees in the Morgan County Court.

By Mr. McCarley:

S. 879. To apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to appropriate certain funds for public buildings and furnishings.

By Mr. Leonard:

S. 894. To amend Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, in order to provide further for places in which such beverages may be sold, to authorize and provide for the use of stamps, crowns or decals to evidence payment of the tax levied by said Act, and to provide further for the enforcement of the Act and prescribe additional penalties for violations of the Act.

By Mr. Givhan:

S. 892. Relating to counties having populations of not less than 55,000 nor more than 60,000, according to the most recent federal decennial census; and providing for direct distribution to certain municipalities within such counties of their proportionate share of gasoline tax proceeds allocated for municipalities in such counties.

By Mr. Jackson (with notice and proof):

S. 881. To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

By Mr. Lindsey:

S. 890. Relating to counties having populations of not less than 17,800 nor more than 18,700, fixing the compensation of the Judge of the Inferior Court in such counties; providing that the Circuit Clerk in such counties shall be the ex-officio clerk of said Inferior Court; fixing the compensation of such Clerk, and providing for the institution of prosecutions for felonies, in such Inferior Court by affidavit before such Clerk, and upon writ issued by him.

By Mr. Clark:

S. 880. To provide that no election heretofore or hereafter held pursuant to the provisions of Section 254 to 274, inclusive, of Title 52 of the Code of Alabama of 1940 for the purpose of consolidating as a single school tax district all the area of a county lying outside the corporate limits of any city having a population of 2,500 or more, and the levy within such school tax district, at the maximum rate and for the maximum time allowed by law, of the special school tax authorized by Section 2 of Constitutional Amendment III shall be rendered invalid by reason of erroneous description in the proceedings, notice, or ballot relating to such election of the existing school tax districts or other territory to be so consolidated, or by any invalidity in any prior proceeding or election with respect to a school tax district lying within the area to be covered by such new school tax district.

Mr. McDermott, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Crawford and Stembridge:

H. 1299. To amend further Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v. 2, p. 1210), as amended, in relation to the powers of housing authorities and municipalities to acquire planning funds from federal agencies.

By Mr. Bowers:

H. 811. To authorize every public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by a municipality or by its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this state in which any part of such water system or systems is situated, without an election, and with or without consideration; to transfer and convey such system or systems and all right, title and interest therein, including without limitation all reversionary, residuary or remainder rights provided by law, to any other public corporation whose certificate of incorporation was filed in the office of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make the transfer and conveyance or in the office of the Probate Judge of an adjacent county; to require the public corporation proposing to make such transfer and conveyance to make provision for the payment and retirement of any bonds, mortgages, indentures, resolutions or other obligations including revenue bonds or other securities payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed or to require the assumption thereof by the transferee public corporation; to authorize each public corporation and municipality to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to carry out the provisions of the Act; to provide for the publication and posting of a notice of the proceedings taken or to be taken under the Act; to limit the time within which any proceedings may be commenced in any Court with respect to the matters referred to in said notice; to provide that the provisions of this Act shall be cumulative; to provide that all matters authorized in the Act shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body; to provide for the severability of the provisions of this Act; and to provide the effective date of this Act.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turner:

S. 233. To regulate speed of railroad equipment and to provide penalties for violations thereof:

By Mr. Turner:

S. 234. Providing for adequate brakes on railroad equipment and providing penalties for violation thereof:

By Mr. Turner:

S. 284. Relating to railroad crossings; to provide standards for construction thereof; to provide procedures for notice of non-compliance; and to provide penalties for violation, including payment of damages to any injured party:

By Mr. Jackson:

S. 883. To transfer all portions of any State Forest that lie within boundary of counties having between 32,500 and 34,000 population to the Division of State Parks.

By Mr. Skidmore:

S. 886. To provide further for the disposition and use of the profits, including all taxes levied upon the selling price of spirituous or vinous liquors and certain taxes on malt and brewed beverages; amending Act No. 255, H. 313 Regular Session of 1943 (General Acts 1943, p. 226) and Act No. 92, H. 101, Second Special Session of 1963 (Acts, Second Special Session 1963, p. 257) and repealing Code of Alabama 1940, Title 29, Sections 10 and 11 and all others laws in conflict herewith.

By Mr. Childs:

S. 872. To regulate visiting speakers at state supported colleges and universities.

By Mr. Cooper:

S. 889. To transfer all portions of any State Forest that lie within boundary of counties having between 22,350 and 24,000 population to the Division of State Parks.

By Messrs. Nabors, McCarley, Harris, Skidmore, Lindsey, Leonard, Givhan, Cooper, Goodwyn, Stone, Jackson, Branyon, Giles, Folsom, Gilmore, Pelham, Vacca, Turner, Oden, Adams, Clark, Lolley, Radney, Torbert and Carr:

S. 887. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of soybeans.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Cooper, Nabors, McCarley, Harris, Skidmore, Lindsey, Leonard, Givhan, Radney, Goodwyn, Stone, Jackson, Branyon, Giles, Folsom, Gilmore, Pelham, Vacca, Torbert, Oden, Turner, Adams, Clark, Lolley and Carr:

S. 888. To authorize and provide for the promotion of the production, marketing and use of soybeans and soybean products by research, education, advertising and other methods; authorizing soybean producers to act jointly with handlers, buyers and processors of soybeans and with the State Board of Agriculture and Industries for a promotional program; providing that producers of soybeans may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of such assessments; prescribing duties of the Commissioner of Agriculture and Industries, with respect to such a promotional program; and providing for the administration thereof by a nonprofit association; and providing for the

collection of assessments by dealers, handlers and other buyers of soybeans; requiring an annual permit of such dealers, processors and other buyers; refund rights of sellers of soybeans; and other administrative, enforcement and penalty provisions.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDermott:

S. 895. To provide for the revision, codification, digesting and promulgation of the public statutes of this State; to authorize the Governor to enter into a contract for such revision, codification, digesting and promulgation of such statutes; to designate the Legislative Council as a legislative committee to read, revise, amend and correct the manuscript of the Code; and to make an appropriation to effect the purposes of this Act.

By Messrs. Vacca, O'Bannon, Bailes and Leonard:

S. 847. To amend further Code of Alabama 1940, Title 51, Section 2, which relates to exemptions from ad valorem taxation, so as to provide further for the exemption of property of blind persons.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hobbie et al (with substitute):

H. 975. Providing further for payment of the salaries of state officers and employees, amending Section 148, Title 41, Code 1940.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cherner et al:

H. 270. Relating to certain schools or courses of instruction publicized, sold, offered for sale or administered to residents of this State; prescribing certain requirements relative to the solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the state board of education; authorizing the state board of education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the board; and providing penalties for violations.

By Messrs. McDonald, Drake and Starnes:

H. 755. To make an appropriation from the state treasury to the use of the State Department of Education in matching funds provided by the Daughters of the American Revolution for capital outlay purposes at the Kate Duncan Smith School at Grant, Alabama.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff et al (with amendment):

H. 1173. Relating to counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; to regulate the payment of wages of all policemen and fire fighters employed by any city in such counties; to repeal conflicting laws.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Giles, Folsom, Turner, Bailes, Radney, Torbert, McCarley, Nabors, Albea, Skidmore, Leonard, Carr, Lindsey, Engel, McDermott, Pelham and Branyon:

S. 575. To provide for uniformity in designating county governing bodies in the several counties of this state.

By Messrs. Oden and Goodwyn:

S. 687. To provide further for the management of public records of all of the counties of the state; to provide for the appointment and compensation of a county records administrator; to prescribe his authority, powers and duties, and to appropriate funds for such purposes.

By Messrs. Oden and Goodwyn:

S. 688. To amend Act No. 565, Regular Session 1955, (Acts 1955, p. 1227) which act relates to the management of the public records of the state, by reducing the number of members of the county records commission and providing expense allowances for the members of said commission.

By Mr. Dominick:

S. 690. To amend Code of Alabama 1940, Title 7, Section 770 which provides for the dismissal of an appeal when the transcript of the case in the lower court is not filed in the appellate court within the prescribed time, so to provide that such appeal shall not be dismissed when such failure to file it is due to negligence or delay of the clerk, register or judge of probate in preparing the transcript.

By Mr. McDermott:

S. 778. To repeal Act No. 175, S. 387 of the Regular Session of 1969, which provides for abatement of ad valorem taxes on property acquired by condemnation or otherwise by the State of Alabama or any agency or instrumentality thereof.

By Mr. Hill:

H. 899. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

By Mr. Holladay:

H. 1031. To amend Code of Alabama 1940, Title 14, Section 399, which prescribes the penalty for having carnal knowledge of a girl over twelve and under sixteen years of age.

BILLS ON THIRD READING

The Bill:

S. 822. Relating to certain payments from the county treasuries of all counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; fixing the amount of compensation and expense allowances that may be paid out of the treasury of any such county to certain county officers and their assistants and the amount of supplementary compensation and expense allowances that may be paid therefrom to certain officers of the circuit courts of the circuit in which such county lies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 831. To validate amounts expended by the board of revenue, court of county commissioners, or other like governing body, of any county with not less than 42,000 nor more than 46,000 population, according to the last or any subsequent federal decennial census, for gifts to hospital patients of the county, holiday advertisements by the county, premiums paid on bonds of the coroner, and appropriations made to private schools during the period October 1, 1964 through September 30, 1966.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Gilmore	Lolley	Pierce	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 832. To regulate the compensation of jurors in counties having populations of not less than 15,500 nor more than 16,300.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

S. 833. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 834. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McDermott	Radney	
Branyon	Folsom	Morrow	Skidmore	
Carr	Giles	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 836. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	O'Bannon	Stone	
Branyon	Givhan	Oden	Torbert	
Cooper	Goodwyn	Pelham	Turner	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 837. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Oden	Turner	
Carr	Goodwyn	Pelham	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

S. 835. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial

census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McDermott	Pierce	
Branyon	Givhan	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	McCarley			—25

Nays: —0

The Bill:

S. 828. Relating to counties having populations of not less than 26,000 nor more than 27,000; providing further for the compensation and allowance of the superintendent of education of any such county; and to validate payment of compensation and allowances received by such superintendent of education prior to the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Stone	
Bailes	Gilmore	McDermott	Torbert	
Branyon	Hawkins	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 802. To provide for an election to be held to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

was taken up.

Mr. Carr offered the following substitute for the Bill, S. B. 802, to-wit:

SUBSTITUTE FOR S. B. 802

A BILL
TO BE ENTITLED
AN ACT

To provide for an election to be held to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Marshall County.

Section 2. The county governing body of Marshall County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) to levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the state;

b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the state highway department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the state;

c) To determine, subject to the approval of the state highway department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Marshall County;

d) To exercise, subject to the approval of the state highway department, the right of eminent domain for the purpose of acquiring right of way for establishing and changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Marshall County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equipment, machinery or materials used in the construction, maintenance or repair of county roads or bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Marshall County and all officials of the county shall transfer and turn over to the state highway department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter, on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Marshall County shall pay over to the state highway department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads and bridges. Such funds shall be maintained separately by the state highway department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Marshall County subject to the provisions of this Act.

Section 5. All persons employed by Marshall County in the construction, maintenance and repair of county roads and bridges as of the effective date of this Act, whose compensation is paid entirely by the county, shall continue to be employed by the state highway department in the county and be brought under and be covered by the state merit system law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the state merit system law. All other persons employed by the highway department in connection with the administration of this Act shall be subject to the state merit system law, provided, however, that the resident engineer shall reside and have his office, headquarters, shop, barn, warehouse, or base of operations in the county seat of Marshall County.

Section 6. After the effective date of this Act, the state highway department shall pay all of the outstanding financial obligations of Marshall County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the highway department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Marshall County of the liability for paying any of its financial obligations now existing or hereafter incurred under the provisions of Section 2 (b) hereof in the event the funds paid over to the state highway department are insufficient to do so, or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2 (b) hereof of the county to be paid from funds of the highway department.

Section 7. The state highway department shall construct, maintain and repair the county roads and bridges of Marshall County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Marshall County for road and bridge work from any source whatsoever. The state highway department shall retain, and the appropriate state official is authorized to pay over to it any funds or amounts to which Marshall County shall be entitled from the proceeds of the state gasoline tax, the motor vehicle license tax allocated to the county, or any other state tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the state highway department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Marshall County is entitled, received by the state highway department for road work in Marshall County, shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. At the time the governing body of the county transfers to the highway department county-owned road equipment, machinery and supplies, under the provisions of this Act, an inventory thereof shall be made, a copy to be kept on file by the county and by the department, and in the event this Act is repealed or becomes inoperative, the department shall return to the county, road equipment, machinery, and supplies of the kind and equal value.

Section 9. The commission on government and finance of Marshall County created by Act No. 294, H. 802, Regular Session 1963, (Acts 1963, p. 755) is abolished, and in lieu thereof there is hereby restored and re-established in Marshall County a court of record styled the county commission of Marshall County, which shall be composed of the chairman, and four commissioners who shall be elected as hereinafter provided. The chairman and the commissioners shall be elected at the general election in 1970 and shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 10. One county commissioner shall be elected by the voters of the county from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Marshall County. The chairman may reside in any one of the four districts. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. A candidate for chairman of the county commission must be a qualified elector and legal resident of Marshall County.

Section 11. The chairman and present four associate members of the commission on government and finance of Marshall County shall serve as county commissioners of the county commission of Marshall County until their successors are elected and qualified as herein provided.

Section 12. Each member of the county commission shall receive thirty dollars for each meeting of such governing body which he attends, not to exceed one hundred twenty dollars per month, and actual expenses for any necessary travel within the State of Alabama on official county business. Such compensation shall be in lieu of all salaries, allowances and motor vehicles heretofore provided by law for such members. The chairman shall be entitled to and receive eight thousand dollars per annum payable monthly, as compensation for his duties as chairman of such governing body. He shall employ an assistant or accountant and shall keep a complete record of all receipts and disbursements of county funds, and must be prepared at all times to show the exact financial condition of the county. Compensation of such assistant or accountant shall be paid from the allowance heretofore provided the Marshall County commission on government and finance for the purposes of hiring clerks and other assistants.

Section 13. Except as otherwise provided in this Act, the county commission of Marshall County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Marshall County by local law; and the members of the county commission shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this state for members of courts of county com-

missioners, county commissions, boards of revenue, or like county governing bodies, or for the members of the governing body of Marshall County by local law.

Section 14. All laws or parts of laws in conflict with the Act are hereby repealed.

Section 15. The provisions of this Act are hereby declared to be severable in nature and shall any Section or other portion thereof be declared unconstitutional, or invalid, such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Marshall County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be, in the same way as elections on amendments to the Constitution and shall be held on the same day as the next general election following final passage of this Act. Notice of the election shall be given by the judge of probate of Marshall County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated as follows:

"Do you favor the local law authorizing the state highway department to assume responsibility for the construction, maintenance and repair of county roads and bridges and the recreating of a commission form of government in lieu of the commission as presently constituted? Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Marshall County shall certify the results of the election to the secretary of state and to the state highway director immediately after the returns have been certified.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Morrow	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Carr	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Stone	
Cooper	Goodwyn			—25

Nays: —0

And said Bill, S. B. 802, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Carr	Harris	McDermott	Stone	
Clark	Hawkins	Oden	Torbert	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 841. Relating to law enforcement in all counties having populations of not less than 21,900 nor more than 22,300, according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Cooper	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Turner	
Carr	Gilmore	McDermott	Vacca	
Childs	Givhan			—25

Nays: —0

The Bill:

S. 840. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 5, Township 15 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pierce	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Gilmore	Nabors	Torbert	
Clark	Goodwyn	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. McDermott, further consideration of the Bill, S. B. 819, was indefinitely postponed by the Senate.

On motion of Mr. Leonard, further consideration of the Bill, S. B. 823, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 825. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:				
Albea	Dominick	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
	Jackson			—25

Nays: —0

The Bill:

H. 596. Applicable in each county having a population exceeding 600,000 according to the then next preceding federal decennial census; and providing that a permit from the governing body of each such county shall be a prerequisite to the use of public highways and other public ways in the county for construction, installation or commencement of operation therein of public water facilities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:				
Albea	Engel	Leonard	Oden	
Bailes	Folsom	Lindsey	Pelham	
Childs	Giles	Lolley	Pierce	
Clark	Gilmore	McCarley	Stone	
Cooper	Goodwyn	Morrow	Torbert	
Dominick	Harris	O'Bannon	Vacca	
	Hawkins			—25

Nays: —0

The Bill:

H. 1077. To further amend Section 9 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12,

1951, (General Acts of Alabama 1951, Page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such System retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such System."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Adams	Gilmore	Lindsey	Pelham	
Albea	Givhan	Lolley	Pierce	
Bailes	Goodwyn	McCarley	Radney	
Branyon	Harris	Morrow	Skidmore	
Carr	Hawkins	O'Bannon	Vacca	
Childs	Jackson			—25
Nays:				—0

The Bill:

H. 1078. To authorize any city having a population of 300,000 or more according to the last or any subsequent Federal decennial census, in which said city there shall have been or hereafter shall be created a public building corporation as provided for in Act Number 493, 1955 Acts of Alabama, as now or hereafter amended, to lease or convey to such public building corporation any property which shall have been acquired by such public building corporation as a result of any "project" after the bonds have been paid in full, notwithstanding Section 21 of said Act Number 493, as same may have been or may hereafter be amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Radney	
Bailes	Engel	Leonard	Skidmore	
Branyon	Folsom	Lindsey	Stone	
Carr	Giles	Morrow	Torbert	
Childs	Gilmore	Nabors	Turner	
Clark	Harris	Pierce	Vacca	
Cooper	Hawkins			—25
Nays:				—0

The Bill:

H. 1079. To further amend Section 23 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts 1951, p. 1579 et seq.), which created for each city having a population of two hundred and fifty thousand (250,000) or more, according to the last or any succeeding

Federal Census, a Pension and Relief or Retirement System for Officers and Employees of such city.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	O'Bannon	
Adams	Folsom	Lolley	Oden	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Vacca	
Dominick	Harris			—25

Nays: —0

The Bill:

H. 1081. Relating to counties having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census; to provide for additional times when real property may be returned and valued for ad valorem tax purposes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pelham	
Bailes	Giles	Leonard	Pierce	
Branyon	Gilmore	Lindsey	Radney	
Carr	Givhan	Morrow	Skidmore	
Childs	Goodwyn	O'Bannon	Stone	
Clark	Harris	Oden	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1083. To amend further the Title, subsection (e) of Section 1, and Section 2 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, P. 717 et seq.), which established a Pension System for the officers and employees of Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Childs	Gilmore	Morrow	Stone	
Clark	Harris	Oden	Torbert	
Cooper	Hawkins	Pelham	Turner	
Dominick	Leonard	Pierce	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

S. 843. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pierce	
Adams	Engel	McDermott	Skidmore	
Albea	Folsom	Morrow	Stone	
Carr	Giles	Nabors	Torbert	
Childs	Gilmore	O'Bannon	Turner	
Clark	Goodwyn	Oden	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1036. To provide that upon a municipality annexing any district created under Act No. 79 of the Special Session of the Legislature of 1966 to fight or prevent fires, or to fight or prevent fires and collect and dispose of garbage, persons employed by the district to fight fires shall become employees of such municipality subject to the conditions stated in this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	O'Bannon	
Adams	Engel	Hawkins	Oden	
Albea	Folsom	Lindsey	Skidmore	
Bailes	Giles	Lolley	Stone	
Branyon	Gilmore	McCarley	Torbert	
Carr	Givhan	Morrow	Vacca	
Childs	Goodwyn			—25

Nays: —0

The Bill:

S. 857. To regulate further fees of justices of the peace in all counties having populations of not less than 150,000 nor more than 300,000 according to the most recent federal decennial census; and to provide that in lieu of justices' fees in criminal cases in such counties for the collection by justices of the peace of a fixed charge per case in all criminal cases, all of which must be remitted to the state, and for the payment by the state of compensation to justices of the peace for all their services pertaining to criminal cases tried in their respective courts on the basis of their case loads.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Oden	
Branyon	Folsom	McCarley	Pierce	
Carr	Giles	McDermott	Skidmore	
Childs	Gilmore	Morrow	Stone	
Clark	Goodwyn	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Dominick	Jackson			—25
Nays:				—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Torbert, further consideration of the Bill S. B. 498, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 851. To amend Act No. 160, S. 338 of the Regular Session, 1965 (Acts, Regular Session 1965, p. 228), which relates to director's fees which may be paid to members of the board of directors of certain gas districts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Folsom	Leonard	Pelham	
Albea	Gilmore	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	McDermott	Vacca	
Childs	Hawkins			—25
Nays:				—0

The Bill:

S. 852. To alter, rearrange and extend the boundary lines and corporate limits of the City of Fayette in Fayette County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Stone	
Branyon	Giles	McCarley	Torbert	
Childs	Gilmore	McDermott	Turner	
Clark	Givhan	Morrow	Vacca	
Cooper	Goodwyn			—25
Nays:				—0

The Bill:

S. 853. To alter, rearrange and extend the boundary lines and corporate limits of the town of Detroit in Lamar County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 856. Creating and establishing a county-wide personnel system at the option of the governing body of the county for all counties of the State of Alabama having a population of not less than 115,000 and not more than 165,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Torbert	
Childs	Jackson			—25

Nays: —0

The Bill:

S. 859. Authorizing the Board of County Commissioners or like governing body of Madison County, Alabama to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Madison County, for the purchase of equipment, materials and supplies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Morrow	
Adams	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	McDermott	Stone	
Childs	Hawkins			—25

Nays: —0

The Bill:

S. 860. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts, Organizational, Special Regular Sessions 1967, Vol. II p. 1482) an act applying only in counties having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Branyon	Giles	Lolley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 862. To amend Section 5 of Act No. 226, Acts of Alabama, 1959, Page 765, to provide that the City of Gadsden shall pay into the Policemen's and Firemen's Retirement fund an amount equal to ten (10%) per cent of the salary of each member of the police and fire departments and to provide that each such member shall pay into said fund an amount equal to five (5%) per cent of his monthly salary; and to provide that a person must hold a position for three (3) years just before retirement or his percentage of pension shall be averaged as provided herein.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Harris	McDermott	Skidmore	
Clark	Hawkins	Nabors	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 863. To alter and rearrange the boundaries between the City of Gadsden and the City of Glencoe so as to detach certain territory from the City of Glencoe and annex the same to the City of Gadsden.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Nabors	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

S. 864. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 867. To authorize the creation of a public corporation in Madison County, Alabama, which shall have the power to construct, lease, build, in-

stall, acquire, own, operate, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, industrial sites, industrial and factory buildings and the necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; to prescribe the duties and powers of such public corporation, including but not limited to, the power to enter into contracts or agreements with persons, firms or corporations, public or private, with the United States of America or with any of its agents or departments as well as with the various states and the subdivisions and municipal corporations created thereby; to authorize the issuance of revenue bonds and revenue refunding bonds payable from the revenues of authorized projects, to pay the cost of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; and providing that no debt of a state, political subdivision thereof or of any municipality created thereby shall be incurred in the exercise of any of the powers granted by this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 868. To amend further Act No. 658, H. 1030, approved November 21, 1959, as amended by Act No. 124, S. 28, Acts of Alabama 1961, p. 2047 and as further amended by Act No. 173, H. 296, approved July 30, 1965, Acts of Alabama 1965, p. 243, an act providing for a privilege license or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Giles	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McCarley	Skidmore	
Carr	Harris	McDermott	Stone	
Childs	Hawkins			—25

Nays: —0

The Bill:

S. 869. To amend further Act No. 476, H. 627, Regular Session 1955 (Acts 1955 v. 11 p. 1084) as said act was amended by Act No. 276, H. 346, Acts of Alabama, Special Session 1966, p. 419, approved September 9, 1966, an act creating the office of Deputy Circuit Solicitor in the Twenty-third Judicial Circuit; and providing for his appointment, duties and compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Bailes	Giles	Lindsey	Pierce	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 870. To amend Act No. 23, H. 109, Special Session 1964 (Acts First and Second Special Session 1964, p. 44) as said act was amended by Act No. 659, H. 802, Regular Session 1967 (Acts, Organizational, Special Regular Sessions 1967, Vol. II p. 1482) an act applying only in counties having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 871. Relating to counties having populations of not less than 65,000 nor more than 95,000, according to the most recent federal decennial census; to authorize the county governing body of each such county to provide for the payment of certain expenses heretofore incurred by certain county officers of the county and to validate certain payments heretofore made by such county governing bodies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lolley	Oden	
Adams	Engel	McCarley	Pelham	
Albea	Folsom	McDermott	Pierce	
Bailes	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Stone	
Cooper	Leonard			—25

Nays: —0

The Bill:

S. 873. To fix the compensation of the judge of probate and the sheriff in all counties having populations of not less than sixteen thousand one hundred and fifty (16,150) and not more than seventeen thousand three hundred and fifty (17,350) according to the last or any subsequent Federal decennial census and to provide an effective date to begin at the next term of office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Folsom	McDermott	Radney	
Carr	Giles	Morrow	Stone	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

S. 877. Relating to counties having populations of not less than 17,800 nor more than 18,700, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	McCarley	Pelham	
Albea	Giles	McDermott	Pierce	
Bailes	Gilmore	Morrow	Radney	
Branyon	Givhan	Nabors	Skidmore	
Carr	Goodwyn	O'Bannon	Stone	
Childs	Harris			—25

Nays: —0

The Bill:

S. 878. To fix the compensation of the deputy sheriffs in counties having populations of not less than 17,800 nor more than 18,700.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

S. 770. To create the office of warrant clerk and deputy warrant clerks in all counties having populations of not less than 31,500 nor more than 32,200 according to the most recent federal decennial census; to provide for his appointment, tenure, duties and compensation; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Engel	McCarley	Pierce	
Albea	Folsom	Morrow	Stone	
Bailes	Giles	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 875. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional allowances for clerk hire fund for the office of Probate of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Bailes	Cooper	Folsom
Adams	Carr	Dominick	Giles
Albea	Clark	Engel	Gilmore

Givhan	Lolley	Pelham	Skidmore	
Goodwyn	McCarley	Pierce	Stone	
Leonard	McDermott	Radney	Torbert	
Lindsey	Morrow			—25

Nays: —0

The Bill:

S. 855. To alter and rearrange the boundary lines of the Town of Newsite, Alabama, so as to include within the corporate limits of the Town of Newsite, Alabama, all territory now within such corporate limits and also certain other territory.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Radney	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

S. 874. To alter, rearrange and extend the boundary lines and corporate limits of the City of Decatur, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Gilmore	Nabors	Torbert	
Clark	Givhan	O'Bannon	Turner	
Cooper	Harris	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

S. 850. To propose an amendment to the Constitution of Alabama, relating to the levying and collection of special property tax for general health purposes in the counties of Lawrence, Limestone and Morgan, Alabama.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Nabors	
Adams	Folsom	Lindsey	Oden	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 972. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax collector of each of such counties.

was taken up.

Mr. Carr offered the following substitute for the Bill, H. B. 972, to-wit:

SUBSTITUTE FOR H. B. 972

A BILL
TO BE ENTITLED
AN ACT

To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax collector of each of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census, the tax collector shall be allowed $1,800 a year as expenses, which allowance shall be in addition to all other allowances heretofore provided by law. The allowance shall be paid in equal monthly installments from the general funds of the county, and the payment of said allowance shall be discontinued at the expiration of the present six-year term of said office.

Section 2. This Act is cumulative and shall take effect October 1, 1969.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn			—25

Nays: —0

And said Bill, H. B. 972, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Vacca	
Cooper	Goodwyn			—25
Nays:				—0

The Bill:

H. 973. To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax assessor of each of such counties.

was taken up.

Mr. Carr offered the following substitute for the Bill, H. B. 973, to-wit:

SUBSTITUTE FOR H. B. 973

A BILL
TO BE ENTITLED
AN ACT

To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax assessor of each of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census, the tax assessor shall be allowed $1,800 a year as expenses, which allowance shall be in addition to all other allowances heretofore provided by law. The allowance shall be paid in equal monthly installments from the general funds of the county, and the payment of said allowance shall be discontinued at the expiration of the present six-year term of said office.

Section 2. This Act is cumulative and shall take effect October 1, 1969.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Torbert	
Carr	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

And said Bill, H. B. 973, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Torbert	
Carr	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 23. To authorize the establishment and incorporation of the State Toll Bridge Authority; to empower said authority to finance, purchase, construct, and operate toll bridges in Alabama; to authorize said authority to issue bonds of indebtedness, enter into contracts, and collect tolls; and to authorize said authority to acquire and dispose of properties, and to exercise powers, privileges, and rights necessary for the construction, operation, and maintenance of toll bridge projects in this State.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Adams	Folsom	Leonard	Pelham	
Albea	Gilmore	Lindsey	Pierce	
Bailes	Givhan	Lolley	Radney	
Branyon	Goodwyn	McDermott	Skidmore	
Carr	Harris	Morrow	Stone	
Childs	Hawkins	Nabors	Vacca	
Clark				—28

Nays: —0

The Bill:

H. 1297. To alter or re-arrange the boundaries of the Town of Cottonwood, Houston County, Alabama, so as to include within the corporate limits of said town all territory within such corporate limits and also certain other territory contiguous thereto.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Adams	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1230. To amend Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts, 1939, p. 252), which creates and establishes the County Commission of Calhoun County, amending Section 3 of said Act in order to redivide the county into districts for the purpose of electing the county governing body.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Branyon	Folsom	Morrow	Stone	
Carr	Giles	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 260. To amend Section 666 of Title 7 of the Code of Alabama, 1940, as amended, relating to wages and salary of deceased employees.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Gilmore	Lolley	Radney	
Carr	Givhan	McDermott	Skidmore	
Childs	Harris	Morrow	Stone	
Clark	Hawkins	Nabors	Torbert	
				—27

Nays: —0

The Bill:

H. 994. To authorize county governing bodies of the several counties to appoint a county engineer; to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation in the salary of the county engineer.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Carr	Engel	Harris
Adams	Childs	Folsom	Jackson
Albea	Clark	Gilmore	Leonard
Bailes	Cooper	Givhan	Lindsey
Branyon	Dominick	Goodwyn	Lolley

McDermott	Oden	Radney	Torbert	
Morrow	Pelham	Skidmore	Turner	
Nabors	Pierce	Stone	Vacca	
				—31

Nays: —0

The Bill:

S. 827. To make an appropriation for the relief of Mrs. Hubert P. Gavin, of Camden.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Pierce	
Albea	Engel	Leonard	Radney	
Bailes	Folsom	Lindsey	Skidmore	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McCarley	Torbert	
Childs	Goodwyn	McDermott	Turner	
Cooper	Harris	Nabors	Vacca	
				—27

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Childs, further consideration of the Bill, S. B. 43, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 81. To authorize and permit teachers, who have retired under the Teachers' Retirement Act, to perform duties as substitute teachers in the public, elementary and high schools, when they are physically and mentally able to do so in the opinion of the employing authority, to prescribe the limitations therefor, and to repeal Act No. 1038 of the 1961 Legislature.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clark	Goodwyn	Pierce	
Adams	Cooper	Hawkins	Radney	
Albea	Dominick	Leonard	Skidmore	
Bailes	Engel	Lolley	Stone	
Branyon	Folsom	McDermott	Torbert	
Carr	Gilmore	Morrow	Turner	
Childs	Givhan	Nabors	Vacca	
				—27

Nays: —0

The Bill:

S. 567. Proposing a constitutional amendment relative to the title and use of sixteenth section school lands lying within the corporate limits of the City of Mobile.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clark	Harris	Pelham
Adams	Cooper	Jackson	Pierce
Albea	Dominick	Lindsey	Radney
Bailes	Engel	Lolley	Stone
Branyon	Folsom	McDermott	Torbert
Carr	Gilmore	Morrow	Turner
Childs	Givhan	Nabors	Vacca

—27

Nays: —0

The Bill:

S. 566. To authorize and direct the director of conservation to execute on behalf of the State of Alabama a proper conveyance of certain real property to the Board of Trustees of the University of South Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clark	Harris	Oden
Adams	Cooper	Jackson	Pierce
Albea	Dominick	Lindsey	Radney
Bailes	Engel	Lolley	Stone
Branyon	Folsom	McDermott	Torbert
Carr	Gilmore	Morrow	Turner
Childs	Givhan	Nabors	Vacca

—27

Nays: —0

The Bill:

S. 651. To amend Act No. 187, H. 33, Legislature of Alabama of 1953, approved July 2, 1953, (Acts of Alabama, 1953, Vol. 1, p. 240), entitled "An Act to eradicate and prevent the spread of diseases of swine in Alabama by regulating the feeding of garbage to swine", etc.; by amending Section 4 thereof relating to annual permit fees and to require persons who feed garbage to swine to pay the cost of inspections for the purpose of determining whether the requirements of this Act are being complied with as such costs are approved by the State Board of Agriculture and Industries.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pierce
Albea	Engel	Lolley	Radney
Bailes	Folsom	McCarley	Skidmore
Branyon	Givhan	McDermott	Stone
Carr	Harris	Morrow	Torbert
Childs	Hawkins	Nabors	Turner
Clark	Leonard	Oden	Vacca

—27

Nays: —0

The Bill:

S. 381. To prohibit the possession, sale, disposal, use, or explosion of fireworks in Alabama, and to prescribe penalties for any violation of this act or any regulation promulgated under its authority; repealing conflicting laws.

was taken up.

Mr. Skidmore offered the following amendment to the Bill, S. B. 381, to-wit:

AMENDMENT TO S. B. 381

Amend S. B. No. 381 by striking out Section 3 thereof and substitute in lieu thereof the following:

"Section 3. Section 2 of this Act shall not apply to the possession, sale, disposal, use, or explosion of fireworks for public displays in accordance with rules and regulations promulgated by the State Fire Marshal pursuant to Section 38 of Title 55 of the Code of Alabama 1940. Any person proposing to hold a public display of fireworks shall give notice thereof to the State Fire Marshal at least five days prior thereto, and the Fire Marshal may for good cause by order disapprove the display and prohibit its being held.

Nothing in this Act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale fireworks which are classified as ICC CLASS C COMMON FIREWORKS or ICC CLASS B SPECIAL DISPLAY FIREWORKS in the regulations of the Interstate Commerce Commission of the United States of America, hereinafter referred to as "ICC", for the transportation of fireworks provided the same are to be shipped out of state in accordance with ICC regulations covering the transportation of explosives and other dangerous articles by motor, rail and water and further provided that the same are kept, stored, and handled in the State of Alabama by such resident wholesalers, dealers, or jobbers in accordance with rules and regulations promulgated by the State Fire Marshal pursuant to Section 38 of Title 55 of the Code of Alabama 1940."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Branyon	Engel	Hawkins
Adams	Carr	Folsom	Leonard
Albea	Childs	Givhan	Lindsey
Bailes	Clark	Harris	Lolley

McDermott	O'Bannon	Pierce	Torbert
Morrow	Oden	Radney	Turner
Nabors	Pelham	Skidmore	Vacca

—27

Nays: —0

Mr. Dominick offered the following amendment to the Bill, S. B. 381, as amended, to-wit:

AMENDMENT TO S. B. 381

Section 2 of the bill is hereby amended by adding at the end thereof the following two sentences:

"Such fireworks or pyrotechnics are declared to be contraband, and to constitute a nuisance that can be abated only by their confiscation and destruction. Such contraband may be seized, condemned and destroyed in the same way as that provided in Code of Alabama, Title 29, Section 209, for seizure, condemnation and destruction of contraband liquors and beverages."

Section 4 of the bill is hereby struck in its entirety and inserted in lieu thereof is the following:

"Section 4. Any person who violates any provision of this act, or any regulation promulgated under the authority of it, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or imprisoned in the county jail for not more than one year, or both, in the discretion of the court. Responsibility for enforcing this act and the regulations promulgated under its authority shall be vested in the State Fire Marshall and the Department of Public Safety as well as in the local law enforcement officials."

On motion of Mr. Skidmore, further consideration of the Bill, S. B. 381, as amended, and pending amendment, was postponed temporarily.

The Bill:

H. 803. To provide a state scholarship program to promote the education of nurses at the School of Nursing, Troy State University; and making an appropriation therefore.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Radney
Adams	Givhan	McCarley	Skidmore
Albea	Goodwyn	McDermott	Stone
Bailes	Harris	Morrow	Torbert
Childs	Hawkins	Oden	Turner
Clark	Leonard	Pelham	Vacca
Dominick	Lindsey	Pierce	

—26

Nays: —0

The Bill:

H. 71. To confer on each municipality in the state the power to acquire and develop industrial parks and to expend moneys for such purpose,

and the power to sell property forming a part of an industrial park for not less than the reasonable market value of the property so sold as established by independent appraisals.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Givhan	McDermott	Skidmore	
Albea	Goodwyn	Morrow	Stone	
Bailes	Hawkins	Nabors	Torbert	
Branyon	Leonard	Oden	Turner	
Childs	Lindsey	Pelham	Vacca	
Engel	McCarley	Radney		—22

Nays: —0

The Bill:

S. 194. To authorize and provide for Minute Entries in cases appealed from a City Recorder's Court, Mayor's Court, Police Court, or any Municipal Court, to the Circuit Courts or any other Courts of Record in Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pierce	
Adams	Folsom	McDermott	Radney	
Albea	Givhan	Morrow	Skidmore	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Torbert	
Carr	Jackson	Oden	Turner	
Childs	Leonard	Pelham	Vacca	
Dominick	Lindsey			—29

Nays: —0

The Bill:

H. 236. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an act providing for appointment and designation of supernumerary circuit judges.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	McDermott	Radney	
Albea	Givhan	Morrow	Skidmore	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Torbert	
Carr	Jackson	Oden	Turner	
Childs	Leonard	Pelham	Vacca	
Dominick				—28

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Turner, further consideration of the Bills, S. B.'s 403, 404, 46, 262, 229, 178, 248, 296, 297, 298, 299, 300, 433, 505, 213, 203, 273, 318, 597, 797, 796, 794 and 653 and H. B.'s 311, 315 and 316, was indefinitely postponed by the Senate.

On motion of Mr. Lolley, further consideration of the Bill, S. B. 501, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 958. To further amend Chapter 7 of Title 2 of the Code of Alabama of 1940 by amending Sections 672, 674, 675, 676, and 677 relating to requirements for persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural, and tree surgery work; to define such work; to prescribe special requirements for structural pest control work including the annual permit, bond, insurance, training, experience and other requirements; prescribing the powers and duties of the Commissioner of Agriculture and Industries for administration and enforcement of said Chapter 7; and prescribing penalties for violations.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pierce
Adams	Engel	Lindsey	Radney
Albea	Folsom	McDermott	Skidmore
Bailes	Givhan	Morrow	Stone
Branyon	Goodwyn	Nabors	Torbert
Carr	Harris	O'Bannon	Turner
Childs	Hawkins	Pelham	Vacca

—27

Nays: —0

The Bill:

S. 780. To further amend Section 54 of Title 45, Code of Alabama 1940, as amended, by providing that a state convict upon being discharged may choose to receive suitable clothing or cash equivalent to same; to delete therefrom any provisions about county convicts; to repeal all laws in conflict.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pelham
Adams	Dominick	Lolley	Pierce
Albea	Folsom	McDermott	Radney
Bailes	Givhan	Morrow	Skidmore
Branyon	Goodwyn	Nabors	Stone
Carr	Harris	O'Bannon	Torbert
Childs	Leonard	Oden	Turner
Clark			

—28

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. O'Bannon, further consideration of the Bills, H. B.'s 1140 and 927, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 71. To amend Title 52, § 136, Code of Alabama, as amended, to provide that teachers and other employees of County Boards of Education in the State of Alabama shall be permitted to accumulate and to be paid for leaves of absence due to sickness for not more than ninety days.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Cooper	Lolley	Pierce	
Adams	Dominick	McDermott	Radney	
Albea	Folsom	Morrow	Skidmore	
Bailes	Giles	Nabors	Stone	
Branyon	Givhan	O'Bannon	Torbert	
Carr	Goodwyn	Oden	Turner	
Childs	Leonard	Pelham	Vacca	
Clark	Lindsey			—29

Nays: —0

The Bill:

S. 72. To amend Title 52, § 197, Code of Alabama, as amended, to provide that teachers and other employees of City Boards of Education in the State of Alabama shall be permitted to accumulate and to be paid for leaves of absence due to sickness for not more than ninety days.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pelham	
Adams	Dominick	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Vacca	
Clark				—28

Nays: —0

The Bill:

H. 1141. To amend Act No. 27, H. 102 of the 1964 Special Session (Acts 1964, Special Session, p. 47) which creates and establishes the Lauderdale County Court, in order to enlarge the civil jurisdiction of the court and to provide for increasing the compensation of the judge thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Radney	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 923. Relating to the office of sheriff of Lauderdale County; providing further for the operation of such office; making further provisions respecting the number and employment of deputies and assistants for such officer; providing for their compensation; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Stone	
Bailes	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	O'Bannon	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 925. To amend Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a pub-

lic law library in Lauderdale County, and provides for the taxing and collection of additional court costs in certain courts in the county to finance such library; to provide further for the taxing and collection of additional court costs for such purpose.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Clark	Givhan	Morrow	Turner	
Cooper	Goodwyn	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1085. To provide for the City of Tuscumbia, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Harris	McDermott	Skidmore	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 821. Relating to counties having populations of not less than 300,000 nor more than 500,000; providing an expense allowance for the director of the personnel department in any such county.

was taken up.

Mr. McDermott offered the following amendment to the Bill, S. B. 821, to-wit:

AMENDMENT TO S. B. 821

Amend Senate Bill 821 by striking out Section 2 thereof in its entirety and inserting in lieu thereof the following:

"Section 2. The director of the personnel department of any county coming under this Act shall receive in addition to all other compensation an expense allowance not to exceed the sum of $1,500 annually. Such allowance shall be paid in the same manner and from the same funds as the salary of

such director is paid. The amount of such allowance to be paid, subject to the limitations herein, shall be determined by the Personnel Board of any such county coming under the provisions of this Act."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

And said Bill, S. B. 821, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McDermott	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

S. 517. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 2.

Yeas:

Messrs.:	Folsom	Lolley	Radney	
Albea	Giles	McDermott	Skidmore	
Childs	Goodwyn	Morrow	Stone	
Cooper	Jackson	Nabors	Torbert	
Dominick	Leonard	O'Bannon	Turner	
Engel	Lindsey	Pierce	Vacca	
				—23

Nays: Messrs. Branyon and Carr —2

The Bill:

H. 1294. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial

census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 189. To abolish the office of Securities Commissioner of Alabama and create in lieu thereof the Alabama Securities Commission; to provide for the appointment, powers, duties, authority, term of office and compensation of members of the Alabama Securities Commission; to provide for the appointment of a director of the Securities Commission and to prescribe his qualifications, powers, duties, authority and compensation; to authorize and provide for the employment of a deputy director and other necessary personnel; and to transfer the authority, powers, duties, rights, privileges and immunities heretofore vested in the Securities Commissioner, along with the records, files, furniture and equipment appertaining to such office and any unexpended funds appropriated for the salary of such Commissioner and his assistants and the expenses of administering the Alabama securities law to the Alabama Securities Commission.

was taken up.

Mr. Torbert offered the following substitute for the Bill, H. B. 189, to-wit:

SUBSTITUTE FOR H. B. 189

A BILL
TO BE ENTITLED
AN ACT

To abolish the Office of Securities Commissioner of Alabama and create in lieu thereof the Alabama Securities Commission; to provide for the appointment, powers, duties, authority, term of office and compensation of members of the Alabama Securities Commission; to provide for the appointment of a Director of the Securities Commission and to prescribe his qualifications, powers, duties, authority and compensation; to authorize and provide for the employment of a Deputy Director and other necessary personnel; and to transfer the authority, powers, duties, rights, privileges and immunities heretofore vested in the Securities Commissioner, along with the records, files, furniture, personnel and equipment appertaining to such office and any unexpended funds appropriated for the salary of such Commissioner and his assistants and the expenses of administering the Alabama Securities law to the Alabama Securities Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Securities Commission. There is hereby created the Alabama Securities Commission. The Commission shall be reponsible for the enforcement of laws governing the issuance, sale and other transactions relative to securities.

Section 2. Members, Appointment, Liability. (a) The Commission shall consist of the Attorney General of Alabama, the State Superintendent of Banks, the State Superintendent of Insurance, and two members appointed by the Governor by and with the advice and consent of the Senate. One appointed member shall be a member of the Alabama Bar Association appointed from a list of three nominees submitted by the Bar Association; and one member shall be a certified public accountant appointed from a list of three nominees submitted by the Alabama Society of Certified Public Accountants.

(b) No person may be appointed to or by the Commission while he is registered as a dealer or salesman under the Securities Act of 1959, or while he is an officer, director, or partner of any person so registered, or while he is an officer, director, or partner of an issuer which has a registration statement effective under the Securities Act of 1959, or while he is occupying a similar status or performing similar functions.

(c) It is unlawful for any member of the Commission, the Director or any other officer or employee of the Commission to use for personal benefit any information which is filed with or obtained by the Director and which is not made public. No provision of this Act authorizes any member of the Commission, the Director or any other officer or employee of the Commission to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this Act. No provision of this Act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to any member of the Commission, the Director or any other officer or employee of the Commission.

(d) Except upon proof of corruption, no Commissioner shall for his acts or his failure to act be civilly liable to any investor, applicant for registration, or any other person.

Section 3. Terms of Office—Vacancies. The Governor shall biennially appoint one Commission member to serve for a term of four years; provided, however, that the Governor shall for the initial appointments designate one member to serve for a term of two years; and one member to serve for a term of four years from their respective dates of appointment and qualification. Upon the expiration of these initial terms, the term of each member shall be four years from the date of his appointment and qualification, and until his successor shall qualify. Vacancies shall be filled by the Governor for the unexpired term. Members shall be eligible for reappointment.

Section 4. Chairman—Quorum—Meetings—Reports. The Commission shall select a chairman and is hereby authorized to adopt rules for conducting its proceedings. Any three members shall constitute a quorum for transacting commission business. The Commission shall meet monthly on such date as it may designate and may meet at such other times as it may deem necessary, or when called by the chairman or by any two members. Complete minutes of each meeting shall be kept and filed in the Office of the Commission and shall be available for public inspection during reasonable office hours. The Commission shall report annually to the Governor, to the

Legislature and to the State Legislative Council. The report shall contain the minutes of each meeting held during the year, legislative recommendations, a summary of violations of this Act and action taken thereof, and such other data and information as may be deemed necessary or appropriate. Each member of the Commission shall have unrestricted access to all offices and records under the jurisdiction of the Commission. The Commission, or a majority thereof, may exercise any power or perform any act which the Director is authorized to perform under the provisions of this Act.

Section 5. Mileage and Per Diem. Each appointed member of the Commission shall be paid fifty dollars ($50.00) per day, for a period not to exceed a total of sixty days in any one calendar year, while engaged in the performance of his duties, and shall receive mileage and per diem as provided by Code of Alabama 1940, Title 41, Chapter 4, Article 4, as amended and supplemented. Ex officio members shall not be entitled to any extra compensation for performing their duties under this Act.

Section 6. Appointment of Securities Director. The Commission shall appoint a full-time Director who shall be a career employee subject to the provisions of the Alabama Merit System law and whose employment may be terminated only for cause; provided however, that the first Director shall be designated in the manner prescribed by Section 12 of this Act. The Director shall administer the Alabama Securities Act under the supervision of the Commission and in accordance with its policies.

Section 7. Qualifications—Salary of Director. The Director shall be a person of good moral character, at least thirty years of age, a resident of Alabama, a member of the Alabama Bar and shall be thoroughly familiar with corporate organization, investment banking, investment trusts, the sale of securities and the statistical details of the manufacturing industries and commerce of this State. The Commission may also require additional qualifications. The Director, while serving as such, shall not directly or indirectly be financially interested in or associated with any commercial bank, savings bank, trust company, industrial loan or investment company, credit union, building and loan association, or any other person subject to the jurisdiction of the Commission or the Director thereof. The salary of the Director shall be equal to the maximum salary payable to attorneys in the Merit System classification of Attorney III.

Section 8. Deputy Director. The Director, with the approval of the Commission and subject to the provisions of the Merit System law may designate a Deputy Director who shall possess qualifications fixed by the Commission with the approval of the Personnel Department and who shall perform such duties as the Director shall designate, and in the absence of the Director or his inability to act, the Deputy Director shall perform such duties as are required to be performed by the Director. The compensation of the Deputy Director shall be fixed by the Commission subject to the approval of the Personnel Department in the salary range payable to attorneys in the Merit System classification of Attorney II.

Section 9. Bonds. Before assuming office, the Director shall give a bond in the sum of fifty thousand ($50,000) payable to the State of Alabama, to be approved by the Attorney General of Alabama, and filed in the office of the Secretary of State. Such bond shall be conditioned that he will faithfully execute the duties of his office. The Director may by rule or order require any employee of the Commission to be bonded on the same condition and in the same or such lesser amount as he determines. The expense of all such bonds shall be paid from funds available to the Commission.

Section 10. Personnel. Subject to the provisions of Section 12 of this Act, the Director shall prepare in writing a manual of necessary employee positions for the Commission, including job classifications, personnel qualifications, duties, maximum and minimum salary schedules, and other personnel information for approval by the Commission. The Director may, subject to the provisions of the Merit System law and Section 12 of this Act, select, appoint, and employ such accountants, auditors, financial analysts, examiners, clerks, stenographers and other personnel as he deems necessary for the proper administration of the Alabama Securities law.

Section 11. Place of Office. The Commission and the Director shall maintain offices in the Capital City of the State, and all records of the Commission shall be kept at these offices.

Section 12. Abolition of Office of Securities Commissioner—Transfers of Powers, Duties, Functions and Personnel. The Office of State Securities Commissioner and Assistant Securities Commissioner existing pursuant to Act No. 542 of 1959, are hereby abolished; provided, however, that the present Assistant Securities Commissioner shall be the first Director of the Alabama Securities Commission. All the authority, powers, duties, rights, privileges and immunities now vested in the Securities Commissioner are hereby transferred to and vested in the Alabama Securities Commission. All the authority, powers, duties, rights, privileges and immunities now vested in the Assistant Securities Commissioner are hereby transferred to and vested in the Director of the Securities Commission. Whenever in the laws of the State of Alabama the term "Securities Commissioner" is used the same shall mean the Alabama Securities Commission. All of the records, files, furniture, equipment, other property and classified personnel of the Office of the Securities Commissioner, together with the unexpended portion of the funds appropriated for salaries and expenses therefor, as of the effective date hereof, are hereby transferred to the Securities Commission created by this Act.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective on October 1, 1969; however, the members of the Alabama Securities Commission shall be appointed and shall qualify as soon after this Act becomes law as feasible, and shall take such steps as are needed to provide for the organization of the Alabama Securities Commission.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham
Albea	Folsom	Lolley	Pierce
Bailes	Givhan	McDermott	Skidmore
Carr	Goodwyn	Morrow	Torbert
Childs	Jackson	Nabors	Turner
Cooper	Leonard	O'Bannon	Vacca
Dominick			

—24

Nays:

—0

And said Bill, H. B. 189, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	O'Bannon
Adams	Dominick	Leonard	Pelham
Albea	Engel	Lindsey	Pierce
Bailes	Folsom	Lolley	Skidmore
Branyon	Gilmore	McDermott	Torbert
Carr	Givhan	Morrow	Turner
Childs	Goodwyn	Nabors	Vacca

—27

Nays: —0

The Bill:

S. 866. To authorize and provide for the establishment, operation and financing of a public defender office in those judicial circuits of the State of Alabama having a State Penitentiary population of not less than one thousand, seven hundred inmates; to define the powers, duties of and limitations upon such public defenders; to provide for the selection of such public defenders and their compensation and expenses of said office; to provide for the resignation and removal of such public defenders.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden
Adams	Engel	Lindsey	Pelham
Albea	Folsom	Lolley	Pierce
Bailes	Givhan	McDermott	Skidmore
Branyon	Goodwyn	Morrow	Torbert
Carr	Harris	Nabors	Turner
Childs	Hawkins	O'Bannon	Vacca
Cooper	Jackson		

—29

Nays: —0

The Bill:

S. 639. To amend Act No. 91, H. 22, Special Session 1969 so as to allocate thirty of the educable exceptional children teacher units to trainable exceptional children teacher units.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Branyon	Dominick	Givhan
Adams	Carr	Engel	Goodwyn
Albea	Clark	Folsom	Hawkins
Bailes	Cooper	Gilmore	Jackson

Leonard	O'Bannon	Pierce	Torbert	
Lolley	Oden	Radney	Turner	
McDermott	Pelham	Skidmore	Vacca	
Nabors				—28

Nays: —0

The Bill:

S. 506. To validate moral obligations, not exceeding One Hundred and Sixty Dollars ($160.00) in amount, paid by the State Training School for Girls for motor vehicle accidents involving employees and for injuries to employees as a result of performance of their duties during the period October 1, 1966 through September 30, 1968.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Goodwyn	O'Bannon	
Adams	Dominick	Harris	Pelham	
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Nabors	Vacca	
Clark				—24

Nays: —0

The Bill:

H. 414. To amend the Code of Alabama, 1940, Title 51, Section 611 in relation to the license tax payable on motor vehicles.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Folsom	Leonard	Pelham	
Albea	Gilmore	Lolley	Pierce	
Bailes	Givhan	McDermott	Radney	
Branyon	Goodwyn	Morrow	Skidmore	
Childs	Harris	Nabors	Turner	
Cooper				—24

Nays: —0

The Bill:

S. 204. Relating to the sale of livestock; making it a misdemeanor for any person to buy or offer to buy livestock on any public street or highway within two thousand five hundred (2,500) feet of a public livestock market and to provide for enforcement.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Pelham	
Adams	Folsom	Leonard	Pierce	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	Lolley	Skidmore	
Branyon	Givhan	McDermott	Torbert	
Carr	Goodwyn	Morrow	Turner	
Clark	Hawkins	Nabors		—26

Nays: —0

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in Session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 124. To further provide for supernumerary district attorneys.

Also:

S. 208. To promote highway safety; to authorize the director of public safety to enter into agreements with authorities in charge of federal military installations providing for and regulating the reciprocal recognition of point values assessed against drivers of motor vehicles because of violations of motor vehicle and traffic laws under the Traffic Point Systems applicable in the State of Alabama and on such installations.

Also:

S. 215. Relating to retirement systems for certain county employees in all counties having populations of not less than 31,500 nor more than 32,200, according to the most recent federal decennial census; providing further for eligibility for membership in such retirement systems.

Also:

S. 286. To repeal Act No. 293, H. 35, approved July 26, 1951, an act imposing extra, new and additional duties upon the commissioner of agriculture and industries in relation to or connected with the department of corrections and institutions, eleemosynary institutions, and the state highway department (Acts 1950–51, v. 1, p. 585).

Also:

S. 448. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Sections 14, 15, 22, and 23, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

S. 449. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

S. 572. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

S. 573. To amend the title and Sections 1, 2, 3, 4 and 5 of Act No. 481, H. 872, Regular Session 1961 (Acts 1961, p. 540) which act authorizes the establishment of a recreation board in all cities having a population of as many as 100,000 and not more than 200,000 people according to the last or any subsequent decennial federal census and provides for the appointment, duties, powers and authority of said board and that of any such municipality with respect to furnishing recreational facilities independently or jointly with the county or city or county school board, so as to include parks within the purview of this act.

Also:

S. 593. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Colbert County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel. To provide further for the distribution of fines and forfeitures in certain cases.

Also:

S. 624. Relating to counties having a population of not less than 100,000 nor more than 115,000; providing expense allowances for certain officers in such counties.

Also:

S. 644. To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

Also:

S. 647. To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Also:

S. 676. To require the teaching of Bible history in all public high schools in counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to provide for instructors of such courses; to repeal conflicting laws and specifically to repeal and supersede conflicting provisions of Sections 322 and 408 of Title 52, Code of Alabama 1940, as amended to the extent of such conflict as to all counties to which this act applies.

Also:

S. 691. To extend, alter and rearrange the boundary lines and corporate limits of the town of Lincoln, Talladega County, Alabama:

Also:

S. 693. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 23, 25, 26 and 35, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 694. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 1, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 695. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 27 and 28, Township 16 North, Range 17 East, Montgomery County, Alabama.

Also:

S. 696. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery, Alabama.

Also:

S. 697. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Also:

S. 698. To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

Also:

S. 699. To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Also:

S. 715. To amend Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940, which relate to capital outlay warrants issued by any County Board of Education or City Board of Education, so as to clarify the said sections and so as to revise the provisions thereof as to the maximum interest rate, the maximum net interest cost, and the amount of redemption premiums that are permitted with respect to such warrants.

Also:

S. 716. To apply only in counties having populations of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census, fixing the per diem pay for members of the county board of equalization.

Also:

S. 727. To amend Act No. 113, S. 4, Special Session 1961 (Acts 1961, p. 809) relating to judicial circuits composed of only one county and having populations of not less than 60,500 and not more than 65,000 inhabitants according to the most recent federal decennial census which authorizes the district attorney of said circuit to appoint a stenographic secretary, so as to provide further for the compensation of such secretary.

Also:

S. 779. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Also:

S. 815. To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Also:

S. 816. Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Also:

S. 767. Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

RICHARD DOMINICK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after the titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1180. To regulate the compensation of members of the county board of education in counties having populations of not less than 25,800 nor

more than 26,700 according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 990. To amend Section 6 of Act No. 175 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, so as to provide that if at any time any corporation organized thereunder or whose certificate of incorporation has been amended thereunder (regardless of whether it has ever issued any bonds) does not have any bonds outstanding, its Board of Directors may adopt a resolution declaring that such corporation shall be dissolved and that upon the filing for record of a certified copy of such resolution in the office of the Judge of Probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved and title to any property and assets then owned by it shall (except as otherwise provided in Section 7 of said Act No. 175) vest in the municipality which authorized its incorporation.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Cooper	Hawkins	Oden		—30

Nays: —0

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 89. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Thirty-first Legislative Day only:

BILL NO.	PAGE
HB 861	3
HB 892	1

HB 889	2
HB 862	3
SB 674	89
HB 91	136
HB 109	168
SB 549	57
HB 778	166
HB 779	166
SB 519	64
SB 520	66
SB 521	71
SB 522	74
SB 523	70
SB 524	69
SB 525	72
SB 526	74
HB 796	135
SB 287	22
SB 608	138
SB 747	72
SB 759	85
HB 274	47
SB 842	107
SB 477	27
SB 334	30
SB 528	46
HB 534	86
HB 439	61
HB 780	49
HB 408	67
HB 409	67
HB 410	68
HB 411	68
HB 412	69
SB 474	56
SB 473	55

SB 472	54
HB 525	89
HB 635	58
SB 369	40
SB 140	10
SB 139	10

Mr. Turner offered the following amendment to the Resolution, S. R. 89, to-wit:

AMENDMENT TO S. R. 89

Amend Senate Resolution No. 89 by adding thereto after the letters and figures "H. B. 91 136" the letters and figures "H. B. 217 59".

Mr. Giles moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 18.

Yeas:

Messrs.:	Childs	Hawkins	Oden	
Albea	Dominick	Jackson	Pelham	
Bailes	Folsom	Lolley	Skidmore	
Branyon	Giles	Morrow		—14

Nays:

Messrs.:	Engel	Lindsey	Radney	
Adams	Gilmore	McDermott	Torbert	
Carr	Givhan	Nabors	Turner	
Clark	Goodwyn	O'Bannon	Vacca	
Cooper	Harris	Pierce		—18

BILLS ON THIRD READING RESUMED

The Bill:

S. 674. To regulate further the office of sheriff in this State; to prescribe the annual salaries of sheriffs of the several counties of the state classified on a population basis; to provide for operation of the sheriff's office on a salary basis; to provide for and regulate the collection of sheriffs' fees and the payment thereof into the county treasury; to repeal conflicting laws, general, local, and special.

was taken up.

The Standing Committee on Public Buildings and Grounds reported the following substitute for the Bill, S. B. 674, to-wit:

SUBSTITUTE FOR S. B. 674

A BILL
TO BE ENTITLED
AN ACT

To regulate further the office of sheriff in this State; to prescribe the annual salaries of sheriffs of the several counties of the state classified on a popu-

lation basis; to provide for operation of the sheriff's office on a salary basis; to provide for and regulate the collection of sheriffs' fees and the payment thereof into the county treasury; to repeal conflicting laws, general, local and special.

Be It Enacted by the Legislature of Alabama:

Section 1. Sheriffs of the several counties in this State shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall depend on the number of inhabitants of the county as shown by the most recent federal decennial census of population of the county and shall be in such amount as is hereinafter prescribed:

In counties having populations of less than 20,000 the annual salary of the sheriff shall be $8,000;

In counties having populations of not less than 20,000 nor more than 30,000 the annual salary of the sheriff shall be $10,000;

In counties having populations of not less than 30,000 nor more than 50,000 the annual salary of the sheriff shall be $14,000;

In counties having populations of not less than 50,000 nor more than 100,000 the annual salary of the sheriff shall be $16,000;

In counties having populations of not less than 100,000 nor more than 150,000 the annual salary of the sheriff shall be $18,000; and

In counties having populations of more than 150,000 the annual salary of the sheriff shall be $21,000.

Such salary shall be in lieu of all fees, compensation, allowances, percentages, charges and costs, except as herein otherwise provided. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county.

Section 2. All fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the sheriff and his deputies including the allowances and amounts received for feeding prisoners, shall be collected and paid into the general fund of the county except in those counties where sheriff's office is now authorized by law to collect the allowances for the feeding of prisoners, shall be allowed to continue to collect and retain said amounts and allowances received from the feeding of prisoners.

Section 3. The county governing body shall also furnish the sheriff with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment, including automobiles and necessary repairs, maintenance and all expenses incidental thereto, as are reasonably needed for the proper and efficient conduct of the affairs of the sheriff's office.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 6. This Act shall become effective upon the expiration of the term of office of the sheriffs who are incumbents of such office when this Act becomes law.

Mr. Lindsey offered the following amendment to the substitute for the Bill, S. B. 674, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. B. 674

Delete Section 1 of SB 674 and substitute in lieu therefor the following:

"Section 1. Sheriffs of the several counties in this State shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall depend on the number of inhabitants of the county as shown by the most recent federal decennial census of population of the county and shall be in such amount as is hereinafter prescribed:

"In counties having populations of less than 20,000 the annual salary of the sheriff shall be $12,000;

"In counties having populations of not less than 20,000 nor more than 30,000 the annual salary of the sheriff shall be $13,000;

"In counties having populations of not less than 30,000 nor more than 96,000 the annual salary of the sheriff shall be $15,000, except that in all counties having a population of not less than 50,000 nor more than 51,000 the annual salary of the sheriff shall be $12,000;

"In counties having populations of not less than 96,000 nor more than 125,000 the annual salary of the sheriff shall be $16,500;

"In counties having populations of not less than 125,000 nor more than 350,000 the annual salary of the sheriff shall be $18,000 and

"In counties having populations of more than 350,000 the annual salary of the sheriff shall be $21,000.

"Such salary shall be in lieu of all fees, compensation, allowances, percentages, charges and costs, except as herein otherwise provided. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county."

Which was adopted.

Mr. Bailes offered the following amendment to the substitute as amended, for the Bill, S. B. 674, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 674

In Section 1, strike out "In counties having populations of more than 350,000 the annual salary of the sheriff shall be $21,000." and insert in lieu thereof "In counties having populations of more than 350,000 the annual salary of the sheriff shall be $19,000."

Which was adopted.

Mr. Morrow offered the following amendment to the substitute as amended, for the Bill, S. B. 674, to-wit:

AMENDMENT TO THE SUBSTITUTE FOR S. B. 674

Amend Section 1 of Senate Bill 674 by deleting the following two sentences in said Section:

"In counties having populations of not less than 125,000 nor more than 350,000 the annual salary of the sheriff shall be $18,000; and

"In counties having populations of more than 350,000 the annual salary of the sheriff shall be $19,000;

and substituting in lieu thereof as follows:

"In counties having populations of not less than 125,000 nor more than 300,000 the annual salary of the sheriff shall be $18,000."

Which was adopted.

And said substitute, as amended, for the Bill, S. B. 674, was then adopted by the Senate.

Yeas 28; Nays 3.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Adams	Folsom	Jackson	Pelham	
Bailes	Giles	Lindsey	Pierce	
Carr	Gilmore	Lolley	Radney	
Childs	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Harris	O'Bannon	Vacca	
Dominick				—28

Nays:

Messrs.:	Branyon	McDermott	Skidmore	
				—3

And said Bill, S. B. 674, as amended by the substitute, was then read a third time at length and passed.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Engel	Hawkins	Pelham	
Adams	Folsom	Jackson	Pierce	
Bailes	Giles	Lindsey	Radney	
Carr	Gilmore	Lolley	Torbert	
Clark	Givhan	Morrow	Turner	
Cooper	Goodwyn	Nabors	Vacca	
Dominick	Harris	O'Bannon		—26

Nays:

Messrs.:				
Branyon	McDermott	Oden	Skidmore	
				—4

FURTHER CONSIDERATION OF S. R. 89

The Senate proceeded to further consideration of the Resolution, S. R. 89. The question was on the amendment offered by Mr. Turner.

ADJOURNMENT

At 7:47 P.M., on motion of Mr. Turner, the Senate adjourned until Tuesday, August 19, 1969, at 12 o'clock Noon.

THIRTY-SECOND LEGISLATIVE DAY

TUESDAY, AUGUST 19, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by the Reverend Canon Dilwyn M. Davies, Rector, St. Andrews Parish, Rugby, England.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Thirty-First Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Skidmore:

S. 898. To amend Act No. 65, S. 97, of the Extra Session of 1936 (General and Local Acts, 1936, Local Acts Section, p. 34), which provides a fund for the support of a law library for the Circuit Court of Tuscaloosa County, so as to increase the trial taxes levied thereby and regulate further the expenditure of such fund.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 65, S. 97, of the Extra Session of 1936 (General and Local Acts, 1936, Local Acts Section, p. 34), which provides a fund for the support of a law library for the Circuit Court of Tuscaloosa County, so as to increase the trial taxes levied thereby and regulate further the expenditure of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 65, S. 97 of the Extra Session of 1936 (General and Local Acts, 1936, Local Acts Section p. 34) which provides a fund for the support of a law library for the Circuit Court of Tuscaloosa County, is amended to read as follows:

"Section 1. In all civil, quasi civil, criminal, quasi criminal and equity actions, suits, cases and proceedings hereafter filed in or brought by appeal, certiorari or otherwise to the Circuit Court of Tuscaloosa County, Alabama, there shall be taxed as costs the sum of Three Dollars in each and every action, case, suit and proceeding therein, to be collected as other costs are collected and to be paid to and disbursed by the Clerk of the Circuit Court of Tuscaloosa County, Alabama; provided that in cases appealed from Recorders Courts and in divorce cases where no alimony is awarded and in all civil and equity suits and proceedings where the amount of moneyed judgment or decree including court costs, is for less than Two Hundred Dollars only Two Dollars shall be collected, and in any ancillary proceedings resulting from prior procedure in said Court only One Dollar shall be collected. The sums so collected shall be expended by the clerk of the Circuit Court of Tuscaloosa County by orders of the Presiding judge of such court, for maintaining a Law Library for such Circuit Court and shall be expended only for the employment of, and salary for, a person or persons to act as librarian, for buying law books, furniture and equipment and for other necessary maintenance for the Law Library of the Circuit Court of Tuscaloosa County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl S. Elebash, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 25, August 1, August 8, and August 15, all in the year 1969.

KARL S. ELEBASH, JR.

Sworn to and subscribed before me August 15, 1969.

LULLENE DuBOSE,
Notary Public.

By Mr. Radney:

S. 899. To confer additional authority upon the state auditor respecting the examination and audit of records of public officials and repeal conflicting laws; and to provide for payment at state expense.

Committee on Judiciary.

By Mr. McCarley:

S. 900. Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
SHELBY COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain a branch bank, a branch office or other place of business with a certain area within said county.

Be It Enacted by the Legislature of Alabama:

Section 1. When permitted by its charter and bylaws, and approved by the State Banking Department, any bank situated in Shelby County shall be authorized to open, establish, operate and maintain a branch bank, branch office or other place of business for the receipt of deposits, payment of checks and conducting a general banking business within the following described area in Shelby County, Alabama, to-wit: said area being bounded on the

south by County Highway No. 11; on the east by a line running parallel to and one-half mile east of U.S. Highway No. 280 as the same will be located when the present construction thereon is completed; on the north by the Jefferson County line; and on the west by a line running parallel to and one-half mile west of U.S. Highway No. 31; provided, however, no branch bank shall be established within 5 miles of any presently established bank.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Aossiciate Editor of the SHELBY COUNTY REPORTER a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: July 24, 31, August 7, and 14, 1969.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn to before me this 15th day of August, 1969.

CONRAD M. FOWLER,
Judge of Probate.

By Mr. Oden:

S. 901. To provide for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service, or any thereof, upon the filing of an application with, and the authorization of such incorporation by, the governing body of each county and municipality within which any such District is to be authorized to furnish any of such services; to provide that the service area specified in the original certificate of incorporation of any such District shall lie wholly within the boundaries of the county or counties by the governing bodies of which the incorporation of such District was authorized and that no part of said service area shall lie within the boundaries of any municipality by the governing body of which such incorporation was not authorized; to provide for the amendment of the certificate of incorporation of any such District for the purpose of extending the service area, and for other purposes, at any time and from time to time, upon the filing of applications with, and the authorization of each such amendment by, the governing bodies of each county and municipality in which any part of the then existing or proposed service area of such District lies; to provide for the election and compensation of directors of any such District; to provide for the powers, authorities and duties of any such District and its board of directors; to authorize any such District to acquire, construct, operate, improve and finance one or more waterworks plants, water distribution systems, sanitary sewer systems, or fire protection facilities, or any combination of any thereof; to confer on any such District the power of eminent domain; to authorize any such District to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to

make provisions respecting the establishment, revision, and collection of charges for water service, sewer service and fire protection service, or any thereof rendered by it; to provide for the issuance by any such District for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any one or more of the systems and facilities, or any thereof, of such District, without regard to the system or systems or facilities with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such District for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the system or facilities out of the revenues from which such securities are payable, and to provide that any revenue securities of the District may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by a District of obligations respecting systems and facilities, or parts thereof, acquired by the District; to provide for the use of the proceeds of any revenue securities issued by a District; to provide for the refunding, by the issuance of revenue securities of a District, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such District pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, sewer system, fire protection facility, or other property to any such District; to provide that the rendition by any such District of fire protection service is a governmental function and to exempt such District from all tort liability in connection with fire protection service or facilities; to exempt the property and income of any such District, and all securities issued by any such District and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such District is a party from all taxation in the state, to exempt every such District from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such District from payment of certain charges to Judges of Probate; to provide that each such District shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such District; and to provide for the dissolution of any such District and the disposition of its property.

Committee on Public Buildings
and Grounds.

By Mr. Giles:

S. 902. To provide for the manner and procedure for the election of members and the chairman, president or presiding judge of boards of county commissioners, boards of revenue or like governing bodies in counties having a population of not less than 115,000 nor more than 165,000 according to the last federal decennial census and providing for their term of office and the time of their election.

Committee on Local Legislation No. 1.

By Mr. Giles:

S. 903. To amend Section 3 of Act 324, Acts of Legislature, Regular Session 1923, as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, by re-defining the boundaries of the five districts of Madison County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act 324, Acts of Legislature, Regular Session 1923, as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, by redefining the boundaries of the five districts of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act 324, Acts of Legislature, Regular Session 1923 approved September 24, 1923 as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, approved July 20, 1931, be and the same is hereby amended to read as follows: "Section 3. That for the purpose of this act and the enforcement thereof, the said County of Madison is hereby divided into five subdivisions, to be known as Districts, and numbered respectively, from one to five, both inclusive. District number one shall embrace and be composed of all that territory now constituting beats or precincts numbered 2, 11, 12, 17 and 23 and known respectively as New Market, Meridianville, Hazel Green, Plevna and Sulphur Springs. District number two shall embrace and be composed of all that territory now constituting beats or precincts numbered 3, 15, 16, 20, 22 and 26 and known respectively as Maysville, Gurley, Deposit, Rock Cut, Hurricane and Ryland. District number three shall embrace and be composed of all that territory now constituting beats or precincts numbered 4, 6, 13, 18, 19 and 25 and known respectively as Colliers, Whitesburg, Poplar Ridge, Elon, Owens Cross Roads Districts One and Two and New Hope Districts One and Two. Districts number four shall embrace and be composed of all that territory now constituting beats or precincts numbered 9, 10, 21 and 27 and known respectively as Harvest, Madison Cross Roads, Monrovia and Bobo. District number five shall embrace and be composed of all that territory now constituting beats or precincts numbered 1, 7, 8 and 14 and known respectively as Huntsville, Triana districts one and two, Madison and Dug Hill."

Section 2. All laws, or parts of laws, local, general or special, in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on August 2, 7, 12, and 18, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 18th day of August, 1969.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1971.

By Mr. Vacca:

S. 904. Relating to wills and administration of estates; providing for the admission of certain evidence as proof of the intent of the testator.

Committee on Judiciary.

By Mr. Jackson:

S. 905. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Baldwin County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The Judge of Probate shall receive an annual salary of $20,000, which shall include his compensation for all ex officio duties.

The sheriff shall receive an annual salary of $20,000.

The Clerk of the Circuit Court shall receive an annual salary of $10,000, which shall include his compensation for all ex officio duties.

The register of the Circuit Court shall receive an annual salary of $10,000.

Section 2. The Court of County Commissioners, board of revenue, or other like governing body of Baldwin County, shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this Act in such number as may be reasonably necessary for the efficient conduct of their respective offices. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. However, the maximum allowances for clerk hire and salaries for assistants for each of such officers shall be as follows:

For the Probate Judge, the sum of $35,000 per annum;

For the Sheriff, the sum of $18,000 excluding salaries for deputy sheriffs.

For the clerk of the Circuit Court, the sum of $8,000 per annum.

In addition, the Probate Judge shall be entitled to ten cents per mile for each mile traveled on the annual visits to the precincts in October and November of each year; also the sheriff shall be entitled to the allowances payable by the state for feeding the prisoners and also such mileage and expense allowances as may be payable according to law for returning or transfering prisoners and insane persons to or from points outside the county.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1, shall be paid into the general fund of the county. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries and other assistants shall be paid in equal monthly installments from the general fund of the county.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall provide the officers named in this act with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of their respective offices; and shall allow the sheriff such an amount as may be necessary to pay the expenses of operation of his office, including travel expenses.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall supersede Act No. 357, H. 707, Regular Session 1963 (Acts 1963, p. 857), and all other laws or parts of laws in conflict herewith.

Section 7. This Act shall take effect on the expiration of the current term of office of each of the officers who are affected thereby.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jimmy Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1969.

JIMMY FAULKNER, JR.

Sworn to and subscribed before me August 9, 1969.

DOROTHY MARTIN,
Notary Public.

By Mr. Jackson:

S. 906. To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Baldwin County, Alabama, shall be entitled to receive in lieu of any fees, commissions, percentages, and allowances, an annual salary of $20,000.00, which shall include his compensation for all ex-officio duties.

Section 2. The Court of County Commissioners, Board of Revenue or other like governing body of Baldwin County, shall provide compensation for clerks, assistants, and secretaries for the Judge of Probate in such number as may be reasonably necessary for the efficient conduct of the office of Judge of Probate. The Judge of Probate shall select, discharge, and fix the salaries

of, his subordinates; provided, however, the maximum allowance for such clerk hire and assistants shall not exceed the sum of $35,000.00 per annum.

Section 3. The fees, commissions, percentages, allowances, charges and court costs heretofore collectible for the use of the Judge of Probate shall be paid into the general fund of Baldwin County, from which fund the aforementioned salary of the Judge of Probate and his assistants shall be paid by the County.

Section 4. The Court of County Commissioners, Board of Revenue, or other like governing body shall provide the Judge of Probate with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of the office of the Judge of Probate.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6. This Act shall supersede Act No. 818, H. 1090, Regular Session 1965 (Acts 1965, p. 1530), and all other laws or parts of laws in conflict herewith, insofar as they relate to the office of the Judge of Probate of Baldwin County, Alabama, or the operation thereof.

Section 7. This Act shall take effect on the expiration of the current term of office of the Judge of Probate of Baldwin County, Alabama.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jimmy Faulkner, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1969.

JIMMY FAULKNER, JR.

Sworn to and subscribed before me August 18, 1969.

DOROTHY MARTIN,
Notary Public.

By Mr. Branyon:

S. 907. Relating to counties having populations of not less than 15,500 nor more than 16,300; to provide for the election and qualifications of members of the board of revenue, court of county commissioners, or other like governing body of any such county.

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. 908. Relating to counties having populations of not less than 13,700 nor more than 14,300; to provide for the election and qualifications of mem-

bers of the board of revenue, court of county commissioners, or other like governing body of any such county.

Committee on Local Legislation No. 1.

By Messrs. Torbert and Adams:

S. 909. To amend Sections 62 and 73 of Act No. 414 adopted at the Regular Session of the Legislature of Alabama of 1959 so as to provide that any stockholder of a corporation shall have the right to dissent from (i) any sale or exchange of all or substantially all of the property or assets of the corporation or (ii) any plan of merger or consolidation to which the corporation is a party, as to less than all of the shares registered in his name.

Committee on Public Buildings and Grounds.

By Mr. Stone:

S. 910. To amend Act No. 505, Section 453 of the Regular Session of 1963 (Acts, 1963, page 1087), which establishes and provides for the operation of the Cherokee County Court, amending Section 8, 12 and 14 of such Act, so as to transfer certain jurisdiction relative to juveniles from the probate court of Cherokee County to the Cherokee County Court, to provide further for the compensation of the judge.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 505, S. 453 of the Regular Session of 1963 (Acts, 1963, p. 1087), which establishes and provides for the operation of the Cherokee County Court, amending Sections 8, 12 and 14 of such Act, so as to transfer certain jurisdiction relative to juveniles from the probate court of Cherokee County to the Cherokee County Court, to provide further for the compensation of the judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8, 12 and 14 of Act No. 505, s. 453 of the Regular Session of 1963 (Acts, 1963, p. 1087) which establishes and provides for the operation of such court, are hereby amended to read as follows:

"Section 8. The county governing body is hereby authorized to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid for out of the county treasury.

"Section 12. The Cherokee County Court shall have and exercise the following jurisdiction, authority and powers:

"(a) Exclusive jurisdiction of all causes against persons charged with the commission of a misdemeanor. On all indictments returned by grand juries of Cherokee County, Alabama, against persons charged with a misdemeanor, the clerk of this court shall issue capiases returnable to this court.

"(b) Exclusive jurisdiction of all criminal cases appealed from the court of any mayor, recorder, justice of the peace or notary public ex officio justice of the peace.

"(c) Exclusive jurisdiction of all civil cases appealed from the court of any justice of the peace or notary public ex officio justice of the peace.

"(d) Unlimited jurisdiction concurrent with the circuit court of Cherokee County, Alabama, in all civil cases, where the amount involved does not exceed ten thousand dollars.

"(e) It shall have power to issue any and all special extraordinary writes that circuit courts or judges thereof are authorized to issue, except such as are peculiar to a court of chancery.

"(f) It may exercise all other powers and authority that are, or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power to punish for contempt, consistent with the jurisdiction conferred hereby.

"(g) Unlimited concurrent jurisdiction of all causes that are conferred upon justice of the peace courts of the state under the general laws of the State of Alabama.

"(h) Exclusive jurisdiction over children, and the judge of the Cherokee County Court, which is hereby transferred from the probate court to the Cherokee County Court, shall be the judge of the juvenile court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Cherokee County Court of all juvenile matters and juvenile jurisdiction in Cherokee County, as now provided under Code of Alabama 1940, Title 13, Chapter 7, Sections 350 to 383, both inclusive, as heretofore or hereafter amended. Appeals in such cases shall be as provided by law.

"(i Exclusive and original jurisdiction of all cases arising under Code of Alabama 1940, Title 34, Article 3, Sections 89 to 104, both inclusive, as heretofore or hereafter amended, which title is entitled 'Desertion and Non-Support.' The trial of such cases shall be by the court without a jury and appeals in such cases shall be as provided by law.

"Section 14. The judge of this court shall receive a salary of $8,400 per year. Such salary shall be payable in equal monthly installments at the end of each month out of the county treasury."

Section 2. This Act shall become effective on the first Monday after the second Tuesday in January 1971.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Dot Johnson, a Notary Public in and for said County in said State, personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Public Notice as published in said newspaper once a week for four consecutive weeks, beginning on the 30th day of July, 1969, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second

class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 19th day of August, 1969.

DOT JOHNSON,
Notary Public,
Alabama State at Large.

By Mr. O'Bannon:

S. 911. To amend Section 1 of Act No. 274, S. 436, Regular Session 1969, to provide supplemental compensation for Circuit Judges of the 31st judicial circuit in lieu of any and all other salary supplements heretofore authorized, so as to provide further for such compensation.

Committee on Local Legislation No. 1.

COMMUNICATION FROM DEPARTMENT OF ARCHIVES AND HISTORY

The Senate received the following communication from the Department of Archives and History, to-wit:

STATE OF ALABAMA
DEPARTMENT OF ARCHIVES AND HISTORY
MILO B. HOWARD, DIRECTOR
MONTGOMERY, ALABAMA 36104

August 15, 1969

The Honorable Senate of the
State of Alabama

Gentlemen:

On August 1 the Board of Trustees of the Archives and History Department elected Robert E. Steiner, III, as Trustee for the Second Congressional District to complete the unexpired term of Col. Marion Rushton. The term expires in November, 1969.

Please confirm this election.

Very respectfully,

MILO B. HOWARD, JR.
Director, Secretary,
Board of Trustees.

The foregoing Communication from the Department of Archives and History was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwyn and Pierce:

S. 858. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; providing for participation of school lunchroom managers and assistants to such managers who are employed by the county board of education or a city board of education in such county in the Employees' Retirement System of Alabama; requiring the employing board of education to take such action as is required to bring such lunchroom managers and their assistants under the retirement system in the manner prescribed in Section 12 of Act No. 515, H. 93, of the Regular Session of 1945, as amended; and directing the county governing body to appropriate and pay out of county funds to the county board of education or a city board of education, as the case may be, the amounts needed to pay the employer's contributions to the retirement system.

By Mr. McElhaney et al:

H. 1328. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; to exempt art guilds and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain prescribed conditions; to repeal conflicting laws.

By Mr. Springer:

H. 1405. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

By Messrs. Merrill, Burgess and Lybrand:

H. 1349. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

By Messrs. Meade and Beck:

H. 1352. Relating to counties having a population of not less than 16,300 and not more than 17,300 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

By Mr. Stone:

S. 896. Relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; providing further for the handling and use of the proceeds of gasoline excise taxes heretofore levied by the county governing bodies in any such counties.

By Messrs. Berryman and Graham (with notice and proof):

H. 1362. Relating to Franklin County; to authorize and provide for the deduction and withholding by the judge of probate of such county of a

prescribed amount of the first monies accruing from that part of the motor vehicle and trailer license taxes allocated to the county when such judge remits such taxes to the state highway department; and to prescribe the use of the amount so deducted.

By Messrs. Berryman and Graham (with notice and proof):

H. 1363. Relating to Franklin County; to regulate the compensation of members of the county board of registrars and to provide for payment of additional compensation from the county treasury.

By Messrs. Berryman and Graham (with notice and proof):

H. 1364. Relating to Franklin County; to regulate and provide for the payment of compensation of election officers.

By Messrs. Berryman and Graham (with notice and proof):

H. 1365. Relating to Franklin County; to provide additional expense allowances for members of the county board of education.

By Messrs. Berryman and Graham (with notice and proof):

H. 1366. Relating to Franklin County; to provide a county supplement to the per diem compensation of members of the county board of equalization.

By Messrs. Berryman and Graham (with notice and proof):

H. 1367. Relating to Franklin County; to regulate the compensation of jurors.

By Mr. O'Bannon:

S. 897. Relating to counties having populations of not less than 46,500 nor more than 48,000, according to the most recent federal decennial census; and to fix the compensation of the solicitor of the law and equity courts in such counties; to repeal conflicting laws.

By Messrs. Berryman and Graham (with notice and proof):

H. 1353. Providing further for the construction, maintenance and repair of roads and bridges in Colbert County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Colbert County; providing for the transfer from the state highway department to the Colbert County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Colbert County roads and bridges; providing for the appointment of a county engineer; repealing Act No. 645, S. 593, Regular Session of 1965 (Acts 1965, p. 1164) and other conflicting laws; providing that this Act shall become effective only if approved at a referendum election in Colbert County.

By Messrs. Berryman and Graham (with notice and proof):

H. 1360. Relating to Franklin County; to fix the compensation of members of the jury commission.

By Mr. Berryman:

H. 1253. Relating to counties having a population of not less than 21,900 nor more than 22,300, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees.

By Messrs. Hain and Blanton:

H. 1419. To provide a method for issuing motor vehicle license tags by mail in counties having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census by any Judge of Probate or License Commissioner charged with the duty of issuing such license tag.

By Messrs. Blanton and Hain (with notice and proof):

H. 1420. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

By Mr. Owens (W):

H. 1347. Relating to counties having populations of not less than 14,300 nor more than 14,800, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

By Messrs. Robertson and Brown (with notice and proof):

H. 1035. To alter or rearrange the boundary lines of the City of Northport, Tuscaloosa County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Tuscaloosa County, Alabama.

By Mr. Owens (W):

H. 1348. Relating to counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

By Messrs. Smith and Bolton:

H. 1336. Relating to counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; providing further for the distribution of fines from convictions in certain cases of traffic violations.

By Messrs. Stembridge and Crawford (with notice and proof):

H. 1358. To divide Houston County into four commissioners' districts for the purpose of electing the members of the county governing body; and to provide for the nomination and election of one member of such body from each district by the qualified electors of the district at the general election in 1970 and every four years thereafter.

By Messrs. Stembridge and Crawford (with notice and proof):

H. 1359. To abolish the Board of Revenue for Houston County, created by Act No. 599, H. 898, of the Regular Session of 1949, and to relieve the judge of probate of Houston County of his duties, powers, and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and the chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county.

By Mr. Lemley:

H. 1346. Relating to counties having a population of not less than 25,400 and not more than 25,500 and establishing the procedure for the selection of a depository of the funds of the Board of Education of any county to which this act applies and fixing the compensation for the members of the County Board of Education in any county to which this act applies.

By Messrs. Smith and Bolton:

H. 1335. To establish a barber commission in counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; to define its duties and powers; and to authorize the county governing body to furnish such commission office space, fixtures and clerical assistance; to fix and provide for payment of the compensation of the commissioners.

By Mr. Tuck:

H. 1369. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

By Mr. Tuck:

H. 1371. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

By Messrs. Owen (Baldwin) and Brannan:

H. 1261. To provide expense allowances for the judge of the circuit court of the Twenty-Eighth Judicial Circuit of Alabama.

By Mr. Tuck:

H. 1368. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

By Mr. Tuck:

H. 1370. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial

census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

By Mr. Tuck:

H. 1372. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

By Messrs. Owen (Baldwin) and Brannan:

H. 1343. Relating to counties having populations of not less than 48,500 nor more than 49,500, to provide that the county governing bodies of such counties shall furnish necessary transportation for travel on official business for certain county officers.

By Mr. Fine:

H. 1373. Relating to counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census; to fix the compensation of the chairman and each member of the board of equalization in such counties; to repeal conflicting laws.

By Messrs. Brannan and Owen (Baldwin):

H. 1345. Relating to counties having populations of not less than 48,500 nor more than 49,500, authorizing the governing body of any such county to appropriate county funds to certain non-profit organizations.

By Messrs. Owen (Baldwin) and Brannan (with notice and proof):

H. 1263. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

By Messrs. Owen (Baldwin) and Brannan:

H. 1265. Applying only in counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census; providing for additional meetings of the governing bodies of such counties and for additional compensation and expense allowances for the members of said body, including the chairman.

By Mr. Holladay (with notice and proof):

H. 1409. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama so as to annex certain territory to the city.

By Messrs. Higginbotham, Brassell and Turnham:

H. 1407. Relating to counties having populations of not less than 49,500 nor more than 50,500; providing further for law enforcement in such counties; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated as the sheriff's fund; and providing for the use of such fund.

By Mr. Laxson et al:

H. 1377. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

By Mr. Jones et al:

H. 1243. Relating to counties having a population of not less than 110,000 nor more than 160,000, prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations.

Mr. Carr, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Foshee and Jackson (F):

H. 361. To amend Section 2 of Act No. 1001, Acts of Alabama 1951 Regular Session of the Alabama Legislature, approved September 14, 1951, which prohibits certain methods for taking birds and animals in this State.

By Mr. McCorquodale et al:

H. 593. To repeal Title 8, Section 95, Code of Alabama 1940; 1935 General Acts, Page 813, and to amend Act No. 187, H186, Acts of Alabama, Special Session 1961, Page 2157, approved September 15, 1961, which relates to licenses to capture and kill furbearing animals.

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brassell:

H. 1408. Proposing an amendment to the Constitution of Alabama authorizing the imposition of a trial tax or other charge on litigation in certain courts of Russell County, the proceeds to be used for establishing, maintaining and operating a public law library in such county.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Brassell (with notice and proof):

H. 1333. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Russell County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dill et al:

H. 273. To provide for the compensation to be paid circuit judges by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

By Mr. Dill et al:

H. 471. To provide for the compensation to be paid circuit district attorneys by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

By Mr. Cherner et al:

H. 679. To authorize the governing body of every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census to adopt and enforce ordinances designed to promote the orderly and safe movement of pedestrian and vehicular traffic on the public highways and roads in areas of the county not situated within the boundaries of any municipality; to authorize any such governing body to adopt and enforce ordinances prescribing speeds at which it shall be lawful and speeds at which it shall be unlawful to operate vehicles on such public highways and roads; to authorize any such governing body to adopt and enforce ordinances providing for the installation or maintenance of traffic signs, traffic signals, traffic lines, traffic lanes and other devices designed to regulate and control vehicular and pedestrian traffic on such public highways and roads, to authorize any such governing body to adopt and enforce ordinances containing regulations and prohibitions regarding the parking of vehicles on such public highways and roads; to provide that no such governing body shall have the authority to adopt any ordinances applying within the corporate limits of any municipality and that no ordinance adopted under this Act shall have any effect or force within the corporate limits of any municipality; to provide that no such governing body shall have the power to pass any ordinance inconsistent with any law of the State or with any ordinance of any municipality applying within the police jurisdiction thereof; to provide that if there is any such conflict, the State law or the municipal ordinance shall prevail over the ordinance adopted by the governing body of the county, insofar as there is any such conflict; to provide for the procedure by which the governing body shall adopt an ordinance under this Act; to provide that no ordinance adopted under this Act shall take effect until it has been published in a newspaper of general circulation in the County; to provide that all courts of the State shall take judicial notice of all ordinances adopted under this Act; to provide that the violation of any ordinance adopted under this Act shall constitute a misdemeanor and to provide the punishment to be imposed upon one convicted of any such violation; to provide that the fees and costs of court in cases involving the violation of any such ordinance shall be the same as the laws prescribed generally for misdemeanors in that court wherein the cases involving such violation arises; to repeal all laws or parts of laws in conflict with this Act to the extent of such conflict; and to provide when this Act shall become effective.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (Jefferson) et al (with substitute):

H. 820. To further amend Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125) as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as amended by Act No. 680 of the 1961 Regular Session approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and amendments thereto define and regulate the issuance of licenses to barbers, barber shops, barber colleges and other like business and establishes a barber commission in all counties of the State having a population of 400,000 or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations.

Mr. Morrow, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks et al:

H. 822. To amend the title and Section 1 of Act No. 821 of the 1965 Regular Session of the Legislature of Alabama, regulating the fluoridation of water supplies in counties having a population of 400,000 according to the last or any succeeding federal census.

By Mr. Watkins et al:

H. 1037. To repeal Act No. 558, House 1070, Regular Session, 1931, (Acts 1931, p. 1653), as amended, which relates to the Jefferson county board of Cosmetological Examiners.

By Mr. Holman et al:

H. 1135. To amend subparagraph (b) of Section 4 of Act No. 672 H. 923 of the regular session of 1967 (General Acts 1967, Page 1496), which was an Act to authorize any county having a population of 500,000 or more, according to the last or any subsequent federal census to adopt a building code or ordinance designed to prevent fire and to protect the people of the county from the loss of property and the loss of life consequent to fires, which building code or ordinances shall apply only in the unincorporated area of the county; so as to authorize the adoption of such code or ordinance without regard to whether a majority of the qualified electors residing in the area wherein the code shall apply are in favor of the adoption of the code and without regard as to whether the adoption of the proposed code would result in substantial savings in respect to fire insurance rates.

By Mr. Dill et al:

H. 1303. To authorize and regulate cooperation in counties having populations of 600,000 or more, according to the most recent federal decennial census, among and between the county, municipalities, other governmental subdivisions and public corporations therein, the state and the federal government on a basis of mutual advantage in order better to provide services and facilities to fill the needs of the inhabitants thereof and promote the full development of area.

By Mr. Watkins et al:

H. 1396. To fix the compensation or salary of the register of the Circuit Court in all counties having a population of 600,000 or more according to the last or any succeeding federal census and to provide for the payment thereof.

By Mr. Dill et al (with notice and proof):

H. 1397. To provide for the compensation to be paid the Deputy District Attorney who is elected by the people, and the Assistant Deputy District Attorney, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said Act shall go into effect.

By Mr. Watkins et al:

H. 1399. To provide for the payment of expense allowance for county officers serving in the positions of Tax Assessor, Tax Collector, Treasurer, Probate Judge, and members of the county board of registrars in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

By Mr. Meeks et al:

H. 1400. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

By Mr. Cook (Jefferson) et al (with notice and proof):

H. 1416. To amend further Act No. 421, H. 932, Regular Session, 1957 (Acts 1957, p. 587), an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, in relation to the salary of said assistant.

By Mr. Dill et al (with notice and proof):

H. 1417. To establish an Inferior Court in Precincts 1 and 2 in Jefferson County, Alabama, in lieu of all Justices of the Peace in Precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer Division Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the methods of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

By Mr. Cook (Jefferson) et al:

H. 1426. To fix the compensation or salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

By Mr. Dill et al:

H. 1380. To fix and provide for the compensation or salary of the Judges of Probate in Counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

By Mr. Watkins et al (with notice and proof):

H. 1381. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. Watkins et al:

H. 1382. To amend Section 4 of Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959 (Acts of Alabama of 1959, page 1376 et seq.), as amended, which act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama 1951, page 1579, et seq., as amended).

By Mr. Watkins et al:

H. 1383. To amend Act Number 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.) entitled, "To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such System retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such System."

By Mr. Dill et al:

H. 1384. To fix and provide for the compensation or salary of the assistant or associate Judges of Probate in counties having a population of 600,000 or more, according to the last or any subsequent Federal census, and to provide for the payment thereof.

By Mr. Watkins et al (with notice and proof):

H. 1385. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), which Act established a pension system for officers and employees of Jefferson County.

By Mr. Watkins et al (with notice and proof):

H. 1386. To fix the compensation or salary of the Judges of the Civil Court of Jefferson County and to regulate the payment of the salaries of said Judges.

By Mr. Watkins et al:

H. 1387. To provide for the payment of expense allowances for county officers serving the positions of Deputy Tax Assessor, Deputy Tax Collector, Deputy Treasurer in all counties having a population of 600,000 or more according to the last or any subsequent Federal Decennial Census.

By Mr. Watkins et al:

H. 1388. To amend Section 10 of Act No. 556 of the 1959 Regular Session of the Legislature of Alabama (Acts of Alabama, 1959, pages 1376, et seq.), as amended, which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951, (Acts of Alabama 1951, page 1579, et seq., as amended).

By Mr. Watkins et al:

H. 1390. To provide for the payment of expense allowances for county officers serving in the position of a member of the Board of Equalization and adjustments in all counties having a population of 600,000 or more according to the last or any subsequent Federal Decennial Census.

By Mr. Watkins et al (with notice and proof):

H. 1391. To amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965 (Ala. Acts 1965, p. 717) as heretofore amended, which Act establishes a pension system for officers and employees of Jefferson County, Alabama.

By Mr. Dill et al (with notice and proof):

H. 1392. To establish an Inferior Court in Precincts 4, 5, 6, 7, 8, 9 and 10 and all other precincts lying within or partly within the City of Birmingham in lieu of all Justices of the Peace in said precincts, and in lieu of all Notaries Public with powers of Justices of the Peace and with concurrent Jurisdiction with all other Justices of the Peace and Inferior Courts created in lieu of Justices of the Peace in the Birmingham Division of Jefferson County, Alabama, where the amount in controversy is $100.00 or less; this court shall be a court of record and shall have concurrent jurisdiction with the Circuit Court, Tenth Judicial Circuit of Alabama, Birmingham Division, sitting in Birmingham, and with such other inferior courts in Jefferson County where the amount in controversy exceeds the sum of $100.00 and does not exceed the sum of $500.00; to define the jurisdiction and powers of said Court, the judge, clerks and other officers thereof: to provide for places for holding said court, term and salary of said judge, the manner of his appointment and election, and the payment of his salary: to provide for the abolishment of the Court of General Sessions of Jefferson County formerly known as the Court of Common Claims: to provide for the transfer of all pending cases and records of the said court to the court created by this Act.

By Mr. Watkins et al (with notice and proof):

H. 1393. To further amend Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 et seq.), which established a pension and retirement system for officers and employers of Jefferson County.

By Mr. Watkins et al (with notice and proof):

H. 1394. To fix the compensation or salary of the Judges of the Criminal Court of Jefferson County and to regulate the payment of the salaries of said judges.

By Mr. Dill et al (with notice and proof):

H. 1395. To fix the compensation or salary of the deputy probate judges or assistant judges of probate of any branch office of the Probate Court in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

By Mr. Watkins et al:

H. 1398. To amend Act No. 91, H. 63, First Extra Session 1964 (Act 1964, Page 124), an act fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit.

Mr. Branyon, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Young and Lemley:

H. 1063. To authorize the Commissioner of Agriculture and Industries to approve and certify soil testing laboratories that make recommendations for fertilizer or plant food needs for agricultural purposes; to authorize the State Board of Agriculture and Industries to adopt rules and regulations prescribing requirements and standards for the certification of soil testing laboratories and to provide an exemption therefrom; to prohibit false or fraudulent representations concerning certification as authorized hereunder and to provide a penalty for violations.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Owen (Baldwin) and Brannan:

H. 993. To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, includ-

ing food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certan specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof", so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

By Mr. Merrill:

H. 1105. To amend Act No. 15, Third Special Session, Acts of Alabama, 1965, to provide that the Director of the Department of Archives and History shall be the executive secretary and archivist of the Alabama Academy of Honor created by said act.

By Mr. Merrill et al:

H. 1107. To authorize the court of county commissioners, board of revenue, or like governing body of the several counties of this state, to appropriate funds of the county to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc.

By Mr. Neville et al:

H. 8. Relating to voters and voting; making it unnecessary for certain absentee voters to make new applications to vote in certain run-off primary elections; prescribing additional duties for officers or persons who handle absentee voting.

Mr. Turner, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Weeks and Bowers:

H. 376. To make appropriations from the general fund in the state treasury to the National Veterans Day Committee for the purpose of assisting in financing the National Veterans Day Programs in Birmingham.

By Mr. Lybrand:

H. 584. To amend Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," by providing for and regulating certain paid leaves of absence for members of the faculty of such schools, caused by sickness.

By Mr. McLain:

H. 1002. To amend Section 5 of Act No. 926, approved 12 September 1951 (1951 Acts of Alabama, Act No. 926, page 1575) which Section pertains to an appropriation to make a contribution on behalf of the State of Alabama to the National Conference of Commissioners on Uniform State Laws.

By Mr. McLain:

H. 1307. Relating to all incorporated cities and towns within the State of Alabama; authorizing all cities and towns to provide by ordinance for the levy and assessment of sales taxes, parallel to the State levy of sales taxes as levied by Act No. 100, H. 94, Second Special Session 1959, as amended; providing that all such taxes levied or assessed shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions, as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended; authorizing said cities and towns to provide by ordinance for the levy and assessment of an excise tax or use tax parallel to the State levy and assessment of excise or use taxes, as levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that the levy and assessment of all said excise taxes and use taxes shall be subject to all definitions, exceptions, exemptions, requirements, provisions, penalties, fines, punishments and deductions, as are provided by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that said cities and towns shall from time to time adopt by ordinance such rules and regulations for making returns and for ascertainment, assessment, and collection of any taxes levied as it may deem necessary to enforce these provisions; providing that the Council or other governing body may adopt in whole or in part any rules and regulations which may be promulgated by the State Department of Revenue or may modify and amend the same, subject to the discretion of the Council or other governing body; providing that the Council or other governing body shall have the authority to provide by ordinance for the rate of said tax, providing that the same may be levied and assessed in whole or in part, in lieu of any privilege license tax based on gross receipts which at the time of said levy, is otherwise provided for by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940; providing that any previous pledge of the proceeds collected from a privilege license tax levied by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940, shall have full force and effect as to any levy or assessment made pursuant to this Act; providing for the levy and assessment of all taxes herein authorized within the police jurisdiction of any said city or town; providing that the Council or other governing body may by Resolution provide for the administration and collection of all taxes levied and assessed under the provisions of this Act by the State Department of Revenue under the provisions and procedures provided for by Act No. 203, H. 99, Special Session 1965.

By Mr. McLain:

H. 1308. To provide that all municipalities and all counties levying an excise or privilege license tax upon the sale, use or consumption, distribution, storage or withdrawal from storage, of gasoline or motor fuel may require that where the tax has been paid to the municipality or county by a distributor, refiner, or by any retail dealer, storer, or user, such payment shall be sufficient, the intent being that the tax shall be borne by the consumer and paid to the municipality or county but once.

By Mr. Radney:

S. 733. To amend Code of Alabama 1940, Title 51, Section 545, levying a privilege license tax on lightning-rod salesmen to make further provisions for levying such privilege licenses.

By Mr. Turner:

S. 882. Relating to the Legislative Reference Service and the Legislative Council, amending further Section 1 of Act No. 152, H. 60, Regular Session 1945 (General Acts 1945, p. 190), as amended, so as to provide further for the salary of the director of the Legislative Reference Service.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 674. To regulate further the office of sheriff in this State; to prescribe the annual salaries of sheriffs of the several counties of the state classified on a population basis; to provide for operation of the sheriff's office on a salary basis; to provide for and regulate the collection of sheriffs' fees and the payment thereof into the county treasury; to repeal conflicting laws, general, local and special.

LELAND CHILDS,
Chairman.

BILLS ON THIRD READING

The Bill:

H. 830. To alter, redefine and reduce the corporate limits of the Town of Vincent in Shelby County so as to exclude therefrom certain territory.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Childs	Dominick	Goodwyn
Branyon	Clark	Gilmore	Harris
Carr	Cooper	Givhan	Hawkins

Jackson	Morrow	Radney	Torbert	
Leonard	Nabors	Skidmore	Turner	
Lindsey	O'Bannon	Stone	Vacca	
McCarley	Oden			—25

Nays: —0

The Bill:

S. 726. Relating to all counties having populations of not less than 18,000 nor more than 19,000, according to the most recent federal decennial census; to provide an expense allowance for the chairman and members of the governing body in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McCarley	Pierce	
Albea	Giles	Morrow	Stone	
Bailes	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1016. Relating to additional compensation paid official court reporter in all circuits composed of two counties, having two circuit judges, and in which one county having a population of not less than 50,000 nor more than 51,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Nabors	
Adams	Engel	Lindsey	Pelham	
Branyon	Folsom	Lolley	Pierce	
Carr	Giles	McCarley	Radney	
Childs	Gilmore	McDermott	Skidmore	
Clark	Givhan	Morrow	Stone	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1091. Relating to counties having populations of 10,800 or less, according to the last or any subsequent federal decennial census; to fix the compensation of the county solicitor in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Oden	
Adams	Folsom	McCarley	Pelham	
Albea	Giles	McDermott	Pierce	
Bailes	Goodwyn	Morrow	Radney	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1103. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide an allowance for the employment of additional clerical assistance by the tax collectors and tax assessors of such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Turner	
Childs	Goodwyn			—25

Nays: —0

The Bill:

H. 1102. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Skidmore	
Branyon	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1101. Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial

census; to authorize the county governing bodies of such counties to employ the clerks of the circuit courts in such counties to perform certain duties, and to prescribe such duties and to provide for payment of compensation therefor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Cooper	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Turner	
Childs	Givhan			—25

Nays: —0

The Bill:

H. 1226. To make an appropriation from the Marion County treasury for the relief of Theron Holliman.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1225. To make an appropriation from the Marion County treasury for the relief of B. N. Wade.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Radney	
Adams	Folsom	Lolley	Skidmore	
Albea	Giles	Morrow	Stone	
Bailes	Harris	Nabors	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1224. To make an appropriation from the Marion County treasury for the relief of Ray Irvin.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Oden	Torbert	
Carr	Goodwyn	Pelham	Turner	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1221. Relating to all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1168. To regulate the compensation of jurors in counties having populations of not less than 14,500 nor more than 14,900.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Oden	Torbert	
Carr	Jackson	Pelham	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1166. To provide for compensation of jurors in Pickens County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1165. To provide for the compensation of the deputy sheriffs of Pickens County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Pelham	
Branyon	Gilmore	Lindsey	Pierce	
Carr	Givhan	Lolley	Radney	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1164. To fix the compensation and allowances of election officers in Pickens County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Stone	
Bailes	Gilmore	McDermott	Torbert	
Branyon	Givhan	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1196. To amend Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Bailes	Engel	McCarley	Skidmore	
Branyon	Folsom	McDermott	Stone	
Carr	Giles	Morrow	Torbert	
Childs	Givhan	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1192. To provide for reimbursing the chairman or other presiding officer and the members of the county governing bodies of all counties having populations of not less than 14,300 nor more than 14,800 according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Torbert	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1195. Regulating the compensation of registrars of Bibb County, and providing for payment of additional compensation by the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Radney	
Adams	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1232. Relating to counties having populations of not less than 51,000 nor more than 56,000; to provide clerk hire allowances for the judge of probate and for the sheriffs in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1179. To fix the compensation of jury commissions in all counties having populations of not less than 51,000 nor more than 56,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Adams	Gilmore	Lindsey	Pierce	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1122. Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census; to provide supplementary compensation for the secretary of the judge of the intermediate court in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Adams	Gilmore	McCarley	Radney	
Albea	Givhan	McDermott	Skidmore	
Bailes	Goodwyn	Morrow	Stone	
Branyon	Harris	Oden	Torbert	
Carr	Leonard	Pelham	Turner	
Childs	Lindsey			—25

Nays: —0

The Bill:

H. 1121. To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McDermott	Pierce	
Adams	Folsom	Morrow	Radney	
Albea	Giles	Nabors	Skidmore	
Bailes	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Torbert	
Cooper	Jackson	Pelham	**Vacca**	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1120. To alter, or rearrange the boundary lines of the Town of Holly Pond, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Goodwyn	Morrow	
Adams	Cooper	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Childs	Givhan			—25
Nays:				—0

The Bill:

H. 1208. To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Folsom	Leonard	Pelham	
Albea	Gilmore	McDermott	Pierce	
Carr	Givhan	Morrow	Radney	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	**Vacca**	
Cooper	Hawkins			—25
Nays:				—0

The Bill:

H. 1123. To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	**Engel**	**Lindsey**	**Pierce**	
Adams	Folsom	Lolley	Radney	
Albea	Giles	Nabors	Skidmore	
Bailes	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Turner	
Cooper	**Jackson**	**Pelham**	**Vacca**	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1223. Proposing an amendment to the Constitution of Alabama relating to Marengo County, and ordering an election thereon.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	**Torbert**	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	**Lindsey**			—25

Nays: —0

The Bill:

H. 1257. To abolish the Court of Common Pleas of Barbour County; to provide for the transfer of cases and causes therein pending; and to repeal Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Folsom	Morrow	Radney	
Bailes	Giles	Nabors	Skidmore	
Branyon	**Harris**	**O'Bannon**	**Stone**	
Carr	Hawkins	Oden	Torbert	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1258. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the western division of Barbour County to be known as the Western District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; and to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court.

was taken up.

Mr. Clark offered the following amendment to the Bill, H. B. 1258, to-wit:

AMENDMENT TO H. B. 1258

Amend Section 7(b) to read as follows:

(b) Regular sessions of the Court for the trial of civil and criminal cases shall be held at the county courthouse in Clayton on the first Wednesday of each month, and in Louisville on the second Wednesday of each month, and in Clio on the third Wednesday of each month. Suitable places for the holding of court shall be provided in Louisville and Clio by the county governing body. When request is made in writing by a defendant, the judge shall set the case for trial at Clayton, or Louisville, or Clio, in accordance with said request. If such request is made after the defendant has made his answer and the case has once been set and witnesses have been summoned, or after the parties are present in Court on the day set for trial, the judge may, in his discretion, grant such request and may make the taxing of costs and expenses, including attorney's fees, a condition for resetting the case. When conflicting requests are made by co-defendants, the judge may set the case for trial in any of said towns for which requests were made, in his discretion.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Folsom	Morrow	Radney	
Bailes	Giles	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

And said Bill, H. B. 1258, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Folsom	Morrow	Radney	
Bailes	Giles	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1051. To regulate further the recording and indexing of deeds, mortgages and other documents and instruments, which are public records, by the probate judge of Barbour County; To provide for the recording of all instruments in one general series of books in each separate division of the county; to provide that instruments will have effect only in the division wherein recorded; providing for the re-indexing of certain records filed heretofore in each of the separate divisions of the county and the placing of a copy of such index in the division where the instrument was not filed; and providing for the binding and maintenance of copies of certain maps in each division of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Nabors	Torbert	
Carr	Harris	Pelham	Vacca	
Clark	Leonard			—25

Nays: —0

The Bill:

H. 1260. To abolish the jurisdiction of justices of the peace and notaries public ex officio justices of the peace elected or appointed for any precinct in Barbour County in criminal and quasi-criminal cases.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Adams	Gilmore	McDermott	Pierce	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1259. To provide for offices and clerks of the tax collector and tax assessor of Barbour County at Eufaula; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of records of the tax assessor and tax collector in each division; and to provide for the exercise of the powers of the tax collector and tax assessor in the appropriate division.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Radney	
Adams	Giles	McCarley	Skidmore	
Albea	Harris	O'Bannon	Stone	
Bailes	Hawkins	Oden	Torbert	
Clark	Jackson	Pelham	Turner	
Cooper	Leonard	Pierce	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

H. 1181. Relating to Russell County; providing for distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Nabors	
Adams	Engel	Lindsey	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Giles	McCarley	Radney	
Branyon	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 1255. To amend Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106), entitled "An Act to regulate the holding of the circuit courts of Barbour County," so as to redefine the line dividing the county for the purpose of prescribing the jurisdiction of the court held at Clayton and the court held at Eufaula; and to prescribe the method of computing Sheriff's mileage.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Pelham	Turner	
Clark	Leonard			—25
Nays:				—0

The Bill:

H. 1189. To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Torbert	
Carr	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 1106. Relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to $15.00 per day.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Carr	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 1254. To regulate further the probate court and probate office of Barbour County; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of a probate office and probate records in each division and for the holding of probate court in each division; and to define the jurisdiction of each division of the court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1256. To establish a court of limited jurisdiction in criminal cases and civil actions at law in the eastern division of Barbour County to be known as the Eastern District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court; to authorize the transfer of any cases pending in the Court of Common Pleas of Barbour County to the court hereby established.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 1162. Relating to law enforcement in Marengo County; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Turner	
Carr	Goodwyn	Oden	Vacca	
Childs	Lindsey			—25

Nays: —0

The Bill:

H. 1054. To amend Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama, Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Branyon	Folsom	McDermott	Radney	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1053. Relating to Macon County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; and providing penalties for violations of the act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pierce	
Adams	Engel	Lindsey	Radney	
Albea	Folsom	Lolley	Stone	
Bailes	Giles	Morrow	Torbert	
Carr	Harris	Nabors	Turner	
Childs	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1052. To amend Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) which act authorizes the board of revenue or like governing body of Macon County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Macon County; so as to increase the rate of the tax.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Stone	
Bailes	Gilmore	McDermott	Torbert	
Branyon	Givhan	Morrow	Turner	
Carr	Goodwyn	Nabors	Vacca	
Childs	Leonard			—25
Nays:				—0

The Bill:

H. 1045. Relating to Macon County; amending further Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225) which created and established the board of revenue of Macon County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Radney	
Albea	Folsom	Lolley	Stone	
Carr	Giles	McCarley	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 1043. To amend further Act No. 299, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25
Nays:				—0

The Bill:

H. 1046. Relating to Macon County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Cooper	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Childs	Givhan			—25

Nays: —0

The Bill:

H. 1217. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Oden	
Adams	Gilmore	McCarley	Pelham	
Carr	Givhan	McDermott	Pierce	
Childs	Goodwyn	Morrow	Radney	
Clark	Harris	Nabors	Turner	
Engel	Jackson	O'Bannon	Vacca	
Folsom	Lindsey			—25

Nays: —0

The Bill:

H. 1212. To amend Section 2 of Act No. 47, H. 100 Special Session 1962 (Acts 1962, p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," so as to authorize an additional full time clerk for the circuit clerk.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Gilmore	Hawkins
Branyon	Cooper	Givhan	Jackson
Carr	Dominick	Goodwyn	McCarley
Childs	Giles	Harris	McDermott

Morrow	Oden	Stone	Turner	
Nabors	Pelham	Torbert	Vacca	
O'Bannon	Radney			—25

Nays: —0

The Bill:

H. 1042. To regulate the salary of the jailer in Macon County, payable out of the general funds of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Branyon	Goodwyn	McCarley	Turner	
Carr	Harris	O'Bannon	Vacca	
Childs	Hawkins			—25

Nays: —0

The Bill:

H. 1044. To provide a clerk hire allowance for the sheriff of Macon County, payable out of the general funds of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Adams	Dominick	Leonard	Radney	
Albea	Engel	McDermott	Stone	
Bailes	Folsom	Morrow	Torbert	
Carr	Giles	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 1197. Relating to Bibb County; providing additional expense allowances for members of the board of education in such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1088. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	Nabors	Skidmore	
Branyon	Harris	O'Bannon	Stone	
Carr	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1190. To provide for an advisory referendum relative to the election of the superintendent of education of Bibb County; and to provide for the appointment or election of the county superintendent of education of such county in the manner favored at such referendum.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Torbert	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 512. To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the territory of Lee County exclusive of Auburn and Opelika.

was taken up.

Mr. Torbert offered the following substitute for the Bill, H. B. 512, to-wit:

SUBSTITUTE FOR H. B. 512

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an Amendment to the Constitution of Alabama empowering the levy in the school district comprising

all the territory of Lee County outside of the cities of Auburn and Opelika of a special annual ad valorem tax at the rate of 50¢ on each $100 of the assessed valuation of the taxable property in the said district for public school purposes therein upon authorization by the electors of the said district as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

In addition to all other taxes now or hereafter authorized, the governing body of Lee County, in the State of Alabama, is authorized to levy, in the school district of the said county that comprises all of the territory of the said county outside of the corporate limits of the cities of Auburn and Opelika, a special district tax at a rate not exceeding 50¢ on each $100 of the valuation of the taxable property in the said district as assessed for state taxation; provided, that no such tax shall be levied hereunder unless the rate of the said tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the said district and voted for by a majority of those voting in such election; provided, further, that if a majority of the qualified electors of the said district participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the levy of the said tax, without an additional election, for a period of thirty consecutive years commencing with the levy for the tax year beginning October 1, 1969. Each election on the levy of the said tax held subsequent to the ratification of this amendment shall be called, held, conducted and canvassed, and notice thereof shall be given, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the levy of district school taxes under the provisions of Amendment III to the Constitution, except that the holding of any such election in the said district or the collection of the said tax therein shall not be dependent upon the levy and collection of any other tax, including specifically the three-mill special county school tax provided for in the said Amendment III. If the majority of the qualified electors of the said district participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the said district voting at any election called by the governing body of Lee County under the provisions of this amendment should not vote in favor of the levy of the said tax proposed at the election so called, the governing body of Lee County may from time to time call other elections hereunder on the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Nothing contained in this amendment shall be construed to authorize the levy of an additional tax on any property within the corporate limits of either the City of Auburn or the City of Opelika.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the current session of the Legislature of Alabama. At the said election all qualified electors of the state shall be entitled to vote on the said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?," after

which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this Act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Torbert	
Carr	Givhan	Morrow	Vacca	
Childs	Goodwyn			—25

Nays: —0

And said Bill, H. B. 512, as thus amended by the substitute, was then read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Torbert	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 708. A bill relating to all counties having populations of not less than 10,800 nor more than 12,000 according to the most recent federal decennial census; further regulating the salary of the members of the tax equalization board, board of registration, and jury commission in each such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 732. To regulate the compensation of bailiffs for the grand jury and bailiffs actually serving in court in every county having a population of not less than 49,500 nor more than 50,000.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	Morrow	Skidmore	
Branyon	Givhan	Nabors	Torbert	
Carr	Goodwyn	Oden	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 793. To amend Sections 1 and 2 of Act No. 230, H. 597, Regular Session 1959 (Acts 1959, p. 775) which act authorizes the court of county commissions of Lee County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Lee County; so as to increase the rate of the tax and to provide for the use of the proceeds from such increase.

was taken up.

Mr. Torbert offered the following substitute for the Bill, H. B. 793, to-wit:

SUBSTITUTE FOR H. B. 793

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 1 and 2 of Act No. 230, H. 597, Regular Session 1959 (Acts 1959, p. 775) which act authorizes the court of county commissioners of Lee County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Lee County; so as to increase the rate of the tax and to provide for the use of the proceeds from such increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 230, H. 597 Regular Session 1959 (Acts 1959, p. 775) relating to the privilege or license tax on distributors or sellers of malt or brewed beverages to retailers in Lee County are amended to read as follows:

"Section 1. The court of county commissioners or like governing body of Lee County may levy a privilege or license tax on all persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering to retailers in Lee County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to not more than four cents on quantities of twelve fluid ounces or less, six cents on quantities of more than twelve but not exceeding sixteen fluid ounces, and eight cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and four cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

"Section 2. The privilege or license tax authorized by this act shall be collected by, or under the supervision of the court of county commissioners or like governing body of Lee County. The court of county commissioners or like governing body shall apportion and distribute the proceeds of the tax to the custodian of county school fund, the custodian of the Opelika City School fund and the custodian of the Auburn City School fund, in the same manner and at the same rate that state minimum school program funds are distributed; provided, that for each of the fiscal years ending September 30, 1970 and September 30, 1971, there shall be paid out of the proceeds of such tax to the custodian of the county school fund not less than $150,000. If the proceeds of such tax are not adequate to pay to the county school funds such amount under the apportionment hereinabove prescribed, then $150,000 shall be paid to the custodian of the county school funds for each of these fiscal years and the remainder of the proceeds of the tax shall be apportioned and distributed to the custodians of the city school funds of the cities of Auburn and Opelika at the same rate that state minimum program funds are distributed. Such funds shall be used solely for public school purposes."

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	Lindsey	Pierce	
Branyon	Folsom	Morrow	Radney	
Carr	Giles	Nabors	Skidmore	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins			—25

Nays: —0

And said Bill, H. B. 793, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	Nabors	Skidmore	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 1013. To provide additional revenue in Lee County; levying in that part of Lee County outside the corporate limits of the cities of Auburn and Opelika special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the Act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the Act.

was taken up.

Mr. Torbert offered the following amendment to the Bill, H. B. 1013, to-wit:

AMENDMENT TO H. B. 1013

In Section 1 strike out the first paragraph in its entirety and insert in lieu thereof the following:

Section 1. There is hereby levied in that part of Lee County outside the corporate limits of the cities of Auburn and Opelika in addition to all other taxes now imposed by law special county privilege license and excise taxes paralleling state sales and use taxes. In that part of Lee County lying outside the corporate limits but within the police jurisdiction of the city of Opelika, such tax shall be levied in the manner and at one-half the rate of such tax in that part of Lee County outside the corporate limits of Auburn and outside the police jurisdiction of Opelika, in which latter area said tax shall be levied in the manner and at the rates hereafter prescribed:

Also, in the remainder of Section 1, strike out the words, corporate limits, wherever they appear and insert in lieu thereof the following words: police jurisdictions.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Bailes	Childs	Engel
Adams	Branyon	Clark	Folsom
Albea	Carr	Cooper	Giles

Gilmore	Lindsey	Oden	Radney	
Givhan	Lolley	Pelham	Torbert	
Jackson	McCarley	Pierce	Vacca	
Leonard	McDermott			—25

Nays: —0

And said Bill, H. B. 1013, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Cooper	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Carr	Gilmore	McDermott	Torbert	
Childs	Givhan			—25

Nays: —0

The Bill:

H. 1100. To provide for the establishment and administration of a Retirement System to provide retirement allowances and other benefits for certain employees of the County of Montgomery, Alabama, and ultimately to supersede the existing pension systems established by Act No. 240 of the Legislature of Alabama of 1947 and by Act No. 176 of the Legislature of Alabama of 1959.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pierce	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1099. To amend Act No. 240, H. 627, approved July 29, 1947, (Local Acts of 1947, p. 165) entitled, "An Act to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County but not for the elected officials", to provide for an increase in the pension or retiring allowance authorized by said Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Adams	Folsom	McDermott	Skidmore	
Albea	Giles	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1008. To amend Act No. 165, No. 215, 1965 Special Session, Vol. I, page 216, approved March 30, 1965, relating to counties having a population of not less than one hundred fifty thousand nor more than three hundred thousand, fixing the fee for the issuance of a pistol permit by the Sheriff, and providing for the disposition and use of such fee.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Torbert	
Branyon	Gilmore	McCarley	Turner	
Carr	Goodwyn	O'Bannon	Vacca	
Childs	Hawkins			—25

Nays: —0

The Bill:

H. 1115. Relating to Colbert County board of revenue; abolishing the office of chairman of the board, providing that the probate judge shall be chairman of the board and transferring certain authority and duties of the incumbent chairman to said judge; further regulating the salaries of board members; and providing for a referendum.

was taken up.

Mr. O'Bannon offered the following amendment to the Bill, H. B. 1115, to-wit:

AMENDMENT TO H. B. 1115

In Section 4, strike out the words and figures, two hundred dollars ($200), and insert in lieu thereof the following words and figures: two hundred fifty dollars ($250).

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Radney	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25
Nays:				—0

And said Bill, H. B. 1115, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Radney	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1163. Relating to Pickens County; prescribing the meeting dates for the Court of County Commissioners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Folsom	Morrow	Stone	
Branyon	Giles	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 1157. Proposing an amendment to the Constitution relating to the levying of a special school tax in School District No. 1, Madison County, Alabama, which comprises all of Madison County, Alabama except for the City of Huntsville, Alabama.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Oden	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1167. To regulate the compensation of jurors in counties having populations of not less than 20,100 nor more than 21,850.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1186. To authorize the governing bodies of all counties having populations of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, and the governing bodies of the municipalities within such counties to create a county park and recreation authority, to appropriate funds to such authority, and to abolish any existing park and recreation boards upon the establishment of an authority pursuant to this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Torbert	
Branyon	Givhan	Morrow	Turner	
Carr	Goodwyn	Oden	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1187. To alter, rearrange, and extend the Corporate Limits line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Skidmore	
Bailes	Harris	Nabors	Torbert	
Branyon	Hawkins	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1193. Proposing an amendment to the Constitution of Alabama relative to Bibb County, authorizing the legislature to fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Hawkins	McDermott	
Adams	Cooper	Jackson	Morrow	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Givhan	McCarley	Skidmore	
Childs	Harris			—25

Nays: —0

The Bill:

H. 1194. To change the method of compensating the sheriff of Bibb County, placing such officer on a salary basis; to provide that the fees, commissions, percentages and allowances provided the sheriff under the general law be paid into the county treasury; to provide for appointment and fix the compensation of a chief deputy, deputies, secretary and jailers, and to provide for the payment of expenses.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1191. To amend further Act No. 17, H. 21, Regular Session 1957, an act levying county sales and use taxes in Bibb County (Acts 1957, v. 1, p. 43), so as to make further provisions respecting the rates of such taxes.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1198. Relating to Bibb County; authorizing the county board of education to fix expense allowance for the county superintendent of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Givhan	Morrow	Radney	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1231. Relating to Coffee County: to provide further for the payment of expense allowances to members of the governing body of the county; to authorize such members to use county-owned motor vehicles when traveling on county business and to give this Act retroactive effect.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1241. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Torbert	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1242. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1202. To propose an Amendment to the Constitution of Alabama relating to Chambers County, so as to provide further for the use of the proceeds of the special property tax authorized to be levied pursuant to Amendment No. 72 for hospital and public health purposes.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Bailes	Childs	Folsom
Adams	Branyon	Clark	Giles
Albea	Carr	Engel	Gilmore

Givhan	Lolley	Pelham	Skidmore	
Goodwyn	McCarley	Pierce	Torbert	
Leonard	McDermott	Radney	Vacca	
Lindsey	Oden			—25
Nays:				—0

The Bill:

H. 1111. Relating to counties having populations of not less than 25,700 nor more than 25,900 according to the most recent federal decennial census; to authorize the governing body in such counties to provide additional deputies for the sheriff; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	McCarley	Pelham	
Adams	Gilmore	McDermott	Pierce	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Childs	Jackson			—25
Nays:				—0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Engel, further consideration of the Bill, H. B. 900, was postponed until the Thirty-Fourth Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1110. Relating to counties having populations of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census; to regulate the insuring of certain public school buildings in such counties, together with the equipment, furniture, fixtures and other property of such buildings; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	McDermott	Pierce	
Bailes	Givhan	Morrow	Radney	
Branyon	Goodwyn	Nabors	Skidmore	
Carr	Harris	O'Bannon	Stone	
Childs	Hawkins			—25
Nays:				—0

The Bill:

H. 1215. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act No. 411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris			—25

Nays: —0

The Bill:

H. 1214. Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	O'Bannon	
Adams	Folsom	Lolley	Oden	
Albea	Giles	McCarley	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Clark	Givhan	Morrow	Turner	
Cooper	Goodwyn	Nabors	Vacca	
Dominick	Harris			—25

Nays: —0

The Bill:

H. 1213. To alter and rearrange the boundary lines of the City of Brewton, Alabama so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said city.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Carr	Goodwyn	Oden	Vacca	
Childs	Harris			—25

Nays: —0

The Bill:

H. 1207. Relating to Conecuh County; providing for the payment of a monthly expense allowance to the members of the county board of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce	
Bailes	Giles	Morrow	Radney	
Branyon	Goodwyn	Nabors	Stone	
Carr	Harris	O'Bannon	Torbert	
Childs	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 918. To amend Act No. 261, H. 808, approved August 23, 1955 (Acts 1955, p. 606) relating to the construction, maintenance and repair of the county roads and bridges of Cherokee County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Adams	Givhan	McDermott	Pierce	
Albea	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1337. To authorize the county governing body of Tallapoosa County to appropriate county funds for the relief of Houston Harper and M. L. McCoy to compensate said persons for certain damages and to pay a certain sum to the estate of Floyd Patterson as a just and moral obligation of the County for which there is no recourse at law.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Stone	
Bailes	Gilmore	McDermott	Torbert	
Branyon	Givhan	Morrow	Turner	
Carr	Goodwyn	Nabors	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1066. Relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Morrow	Radney	
Bailes	Giles	Nabors	Stone	
Branyon	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25
Nays:				—0

The Bill:

H. 1071. Authorizing the county governing body of Cherokee County, Alabama, to levy and collect a 1¢ gasoline tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Stone	
Branyon	Gilmore	McDermott	Turner	
Carr	Givhan	Oden	Vacca	
Childs	Jackson			—25
Nays:				—0

The Bill:

H. 1108. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Mentone, in DeKalb County, Alabama; and to prescribe the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Goodwyn	Morrow	Radney	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Childs	Leonard			—25
Nays:				—0

The Bill:

H. 1109. To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1200. Relating to law enforcement in Autauga County; To amend Act No. 61, H. 2, of the Special Session, 1967 (Acts, 1967, p. 96), an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees, so as to provide further for the disposition and use of such fees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pelham	
Branyon	Givhan	McCarley	Pierce	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1201. Relating to Autauga County; regulating further the compensation of the jury commission and the clerk thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McCarley	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1203. To apply only in counties having populations of not less than 16,200 nor more than 17,200 inhabitants, authorizing the county board of education to fix expense allowances for members of the board.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 1203, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 1203

A BILL
TO BE ENTITLED
AN ACT

To apply only in counties having populations of not less than 16,200 (nor more than 17,200) inhabitants, authorizing the county board of education to fix expense allowances for members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,200 nor more than 17,200 inhabitants, according to the most recent federal decennial census, the members of the county board of education shall receive an allowance from the public school funds of the county of twenty-five dollars ($25) a day for expenses each day they are engaged in the business of the board, not to exceed the number of days per year prescribed by law; and in the discretion of the board, each member may also receive actual expenses when traveling outside the county in transacting the business of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

And said Bill, H. B. 1203, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lolley			—25
Nays:				—0

The Bill:

H. 1216. Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Oden	
Branyon	Gilmore	McCarley	Skidmore	
Carr	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Engel	Jackson	O'Bannon	Vacca	
Folsom	Lindsey			—25
Nays:				—0

The Bill:

H. 1262. To provide for the supplemental compensation of the court reporter of the circuit court of any county having a population of not less than 48,500 nor more than 49,500, according to the last or any subsequent federal decennial census; to repeal conflicting general, local or special laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Oden	
Adams	Engel	Jackson	Pelham	
Albea	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Turner	
Clark	Givhan	McDermott	Vacca	
Cooper	Goodwyn			—25
Nays:				—0

The Bill:

H. 1264. Relating to Baldwin County, prescribing the compensation of the Chief Deputy Sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Branyon	Giles	Lolley	Skidmore	
Carr	Gilmore	McDermott	Stone	
Childs	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Harris	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1266. Relating to Baldwin County; authorizing the county commissioners of such county to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid; to prescribe their method of appointment and fix their duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Oden	Torbert	
Carr	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1280. To create the Inferior Court of Coffee County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Coffee County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1281. To create a Deputy District Attorney for Coffee County, and to provide for his duties, selection and compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1282. Relating to Coffee County; to provide further for the distribution of fines and forfeitures in certain cases.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1286. Relating to counties having populations of not less than 35,100 nor more than 36,100; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Goodwyn	Morrow	Radney	
Bailes	Harris	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Stone	
Cooper	Jackson	Oden	Turner	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1287. To alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Covington County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Stone	
Cooper	Jackson	Oden	Turner	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1292. Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Harris	Nabors	Stone	
Branyon	Hawkins	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1293. Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Adams	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Stone	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1295. Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Jackson	O'Bannon	Turner	
Cooper	Lindsey	Oden	Vacca	
Dominick	Lolley			—25

Nays: —0

The Bill:

H. 1298. Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to increase the compensation of the members of the jury commission in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Childs	Dominick	Goodwyn
Adams	Clark	Engel	Harris
Carr	Cooper	Givhan	Hawkins

Jackson	McCarley	Pierce	Stone	
Leonard	McDermott	Radney	Torbert	
Lindsey	Oden	Skidmore	Turner	
Lolley	Pelham			—25

Nays: —0

The Bill:

H. 1300. To apply only in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, providing a county supplement to the per diem compensation of members of the county board of equalization and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Harris	McDermott	Stone	
Clark	Hawkins	Morrow	Torbert	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1301. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artifically propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Turner	
Carr	Goodwyn	Nabors	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1314. To amend Section 1 of Act No. 179, Acts of Alabama 1965, page 250, relating to counties having a population of not less than 27,000 nor

more than 30,000, according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds; to provide for actual expenses for travel outside the county on county business and to validate payments heretofore made for such travel.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pelham	
Branyon	Folsom	McDermott	Pierce	
Carr	Giles	Morrow	Radney	
Childs	Givhan	Nabors	Stone	
Clark	Harris	O'Bannon	Torbert	
Cooper	Jackson	Oden	Turner	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1329. A bill further regulating the salaries of the members of the Tax Equalization Board, Board of Registration, and Jury Commission in Randolph County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Carr	Goodwyn	Nabors	Torbert	
Childs	Hawkins	Oden	Vacca	
Clark	Leonard			—25

Nays: —0

The Bill:

H. 1310. To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Branyon	Giles	McDermott	Skidmore	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1330. Relating to Randolph County; regulating further the compensation, allowances, and duties of members of the Court of County Commissioners, Board of Revenue, or other like governing body of the county; repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Torbert	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1331. Relating to Randolph County; regulating further the number of Deputy Sheriffs for Randolph County and the salaries to be paid to said Deputies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Branyon	Givhan	McDermott	Pierce	
Carr	Goodwyn	Morrow	Radney	
Childs	Harris	Nabors	Skidmore	
Clark	Hawkins	O'Bannon	Torbert	
Cooper	Jackson	Oden	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1339. Relating to counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial

census; to provide for the compensation of the clerk of the intermediate court if there is such a court in such counties; to repeal conflicting laws.

was taken up.

Mr. Folsom offered the following amendment to the Bill, H. B. 1339, to-wit:

AMENDMENT TO H. B. 1339

In the title insert immediately after the last semicolon therein the following:

and to provide further for the compensation of the secretary of the district attorney of the district containing any such counties; and

Also in Section 1 strike out the period at the end of the section and insert in lieu thereof the following:

, and the secretary of the district attorney of the circuit containing any such county or counties shall, in addition to any salary and other compensation prescribed by law, also be entitled to an additional salary of six hundred dollars ($600) per annum to be paid in equal monthly installments out of the general fund of the county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Adams	Gilmore	McDermott	Pierce	
Albea	Givhan	Morrow	Radney	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

And said Bill, H. B. 1339, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Torbert, further consideration of the Bills, H. B.'s 550, 551 and 707, was indefinitely postponed by the Senate.

On motion of Mr. McDermott, further consideration of the Bill, H. B. 92, was indefinitely postponed by the Senate.

On motion of Mr. Jackson, further consideration of the Bill, S. B. 881, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1340. Relating to counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census; and providing for an expense allowance for the superintendent of education in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Carr	Giles	Nabors	Skidmore	
Childs	Gilmore	O'Bannon	Stone	
Clark	Hawkins	Oden	Torbert	
Cooper	Jackson	Pelham	Turner	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1269. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax collector of such counties; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1332. To apply to all counties having populations of not less than 46,000 nor more than 46,500 according to the most recent federal decennial census and in which a special juvenile court has been established; to authorize the appointment of a probation officer to serve such court and to prescribe his qualifications, duties and authority; to authorize and direct the commissioner of the state department of pensions and security to pay a portion of said probation officer's salary out of certain funds available to said department under certain conditions and to provide that the remainder of his salary and all other expenses shall be paid on a pro rata basis by the governing bod-

ies of the county and of the largest city therein of all counties to which this act applies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn			—25
Nays:				—0

The Bill:

H. 1270. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax assessor of such counties; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pierce	
Adams	Engel	McDermott	Radney	
Albea	Folsom	Morrow	Skidmore	
Bailes	Giles	Nabors	Stone	
Branyon	Harris	O'Bannon	Torbert	
Carr	Hawkins	Oden	Turner	
Clark	Jackson			—25
Nays:				—0

The Bill:

H. 1267. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; and providing an expense allowance for the probate judge of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Pierce	
Adams	Giles	McCarley	Radney	
Albea	Gilmore	McDermott	Skidmore	
Bailes	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Clark	Leonard	Pelham	Vacca	
Engel	Lindsey			—25
Nays:				—0

The Bill:

H. 1276. To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	Nabors	Skidmore	
Bailes	Harris	O'Bannon	Stone	
Branyon	Hawkins	Oden	Turner	
Carr	Jackson	Pelham	Vacca	
Clark	Leonard			—25

Nays: —0

The Bill:

H. 1268. Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an additional deputy circuit clerk for such counties; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 1404. To amend Section 1 of Act Number 432, House Bill 937, Regular Session, 1961 Legislature of Alabama, as amended by Act Number 28, Senate Bill 101, Special Session, 1966, Legislature of Alabama; an act to regulate the office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Folsom	Goodwyn
Adams	Carr	Giles	Jackson
Albea	Childs	Gilmore	Leonard
Bailes	Engel	Givhan	Lindsey

Lolley	Oden	Stone	Turner	
McCarley	Pierce	Torbert	Vacca	
McDermott	Skidmore			—25

Nays: —0

The Bill:

S. 892. Relating to counties having populations of not less than 55,000 nor more than 60,000, according to the most recent federal decennial census; and providing for direct distribution to certain municipalities within such counties of their proportionate share of gasoline tax proceeds allocated for municipalities in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Givhan	McCarley	Skidmore	
Branyon	Harris	McDermott	Stone	
Carr	Hawkins	Morrow	Torbert	
Childs	Jackson			—25

Nays: —0

The Bill:

S. 890. Relating to counties having populations of not less than 17,800 nor more than 18,700, fixing the compensation of the Judge of the Inferior Court in such counties; providing that the Circuit Clerk in such counties shall be the ex-officio clerk of said Inferior Court; fixing the compensation of such Clerk, and providing for the institution of prosecutions for felonies, in such Inferior Court by affidavit before such Clerk, and upon writ issued by him.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Radney	
Branyon	Givhan	McDermott	Skidmore	
Carr	Goodwyn	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1299. To amend further Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v. 2, p. 1210), as amended, in relation to the powers of housing authorities and municipalities to acquire planning funds from federal agencies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 924. To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; and to regulate further the places for registration of applicants therefor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	O'Bannon	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1173. Relating to counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; to regulate the payment of wages of all policemen and fire fighters employed by any city in such counties; to repeal conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1173, to-wit:

COMMITTEE AMENDMENT TO H. B. 1173

Strike out Section 4 and substitute in lieu thereof the following Section 4:

"Section 4. The provisions of this act shall become of full force and effect in each municipality in such counties at such time as any such municipality and each county affected hereby shall have authorized by majority vote

of those electors voting on the question in such municipality and such county the transfer of ad valorem tax revenues accruing from taxable property in such municipality under authority of Section 215 of the Constitution of Alabama, 1901, from such county to such municipality."

Also, add the following section:

"Section 5. The provisions of this act are interdependent. If any part, section or clause shall be declared invalid by any court of competent jurisdiction, the entire act shall stand repealed."

Also, strike out the word "city" where it appears in the title and in Section 2 and substitute in lieu thereof, in each place, the word "municipality".

On motion of Mr. McDermott, said amendment was laid on the table.

Mr. McDermott offered the following amendment to the Bill, H. B. 1173, to-wit:

AMENDMENT TO H. B. 1173

Strike out Section 4 in its entirety and substitute in lieu thereof the following:

"Section 4. The provisions of this Act shall become of full force and effect in each city in the counties affected hereby at such time as any such city and the county in which it is situated shall have authorized by majority vote of those electors voting on the question in such city and such county the transfer of proceeds from the one-fourth of one per centum ad valorem tax levied upon taxable property in such city under authority of Section 215 of the Constitution of Alabama, 1901, for public buildings, bridges or roads, from such county to such city."

Also, add the following section:

"Section 5. The provisions of this Act are interdependent. If any part, section or clause shall be declared invalid by any court of competent jurisdiction, the entire act shall stand repealed and shall be of no further force and effect."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Pelham	
Branyon	Gilmore	Lindsey	Radney	
Carr	Givhan	Lolley	Skidmore	
Childs	Goodwyn	McDermott	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Engel	Jackson			—25

Nays: —0

And said Bill, H. B. 1173, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	Pelham	
Branyon	Gilmore	Lindsey	Radney	
Carr	Givhan	Lolley	Skidmore	
Childs	Goodwyn	McDermott	Stone	
Clark	Harris	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Turner	
Engel	Jackson			—25

Nays: —0

The Bill:

S. 884. To repeal Act No. 663, H. 902, Regular Session 1967 (Acts 1967, p. 1485), an Act providing for the payment into the general fund of Morgan County of all fees collected as solicitors' fees in the Morgan County Court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McDermott	Radney	
Branyon	Giles	Morrow	Skidmore	
Carr	Gilmore	Nabors	Stone	
Childs	Givhan	O'Bannon	Torbert	
Clark	Harris	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	McCarley			—25

Nays: —0

The Bill:

S. 879. To apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to appropriate certain funds for public buildings and furnishings.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	McCarley	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Torbert	
Childs	Leonard			—25

Nays: —0

RESOLUTIONS

Messrs. Engel and McDermott offered the following Senate Joint Resolution, to-wit:

S. J. R. 90. WHEREAS Sam M. Johnston of Mobile, one of the most distinguished members of the bar of this state, died August 14, 1969 at the age of 78; and

WHEREAS Mr. Johnston was president of the Alabama State Bar Association in 1940–1941, and was an effective lawyer, participating in leading cases in Mobile County, for more than forty years.

WHEREAS Mr. Johnston worked for many years in politics, serving as a member of the state Democratic Executive Committee, and was one of the architects of the "Dixiecrat" movement in 1948; and

WHEREAS Mr. Johnston served his state and community in many organizations, and in many important posts, including that of trustee of Alabama College at Montevallo; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Sam M. Johnston, and express our deepest sympathy to his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the family of Mr. Johnston.

On motion of Mr. Engel, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Engel and McDermott offered the following Senate Joint Resolution, to-wit:

S. J. R. 91. WHEREAS the State of Alabama suffered a distinct loss in the recent death of Mrs. C. M. A. Rogers of Mobile, wife and mother of former members of this legislature. Mrs. Rogers was not only devoted to her family but she was a person of wide interests and many talents. She was a dedicated civic worker and club woman. She was honored as First Lady of the Year in Mobile in 1948, twenty-five years after moving to Mobile with her husband. Mrs. Rogers was particularly noted for her work in the development of the Y. W. C. A. and for her role in St. Paul's Episcopal Church. In 1955, she was elected to the board of trustees of Mobile Infirmary and was secretary of the board from 1959 to 1969. She was instrumental in the establishment of the Mobile Infirmary Auxiliary and was named first vice president at its opening in 1951. She organized its gift shop in 1952, and, as its chairman, promoted its successful operation. Mrs. Rogers was a former president of Mobile's Junior League and gave unstintingly of her time and talents to each of its worthwhile activities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with profound sorrow the passing of Mrs. C. M. A. Rogers, a most gracious and beloved lady who generously contributed so much to her City and State. We extend our deepest sympathy to the members of the Rogers family, to whom copies of this resolution shall be sent.

On motion of Mr. Engel, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDermott, Pelham and Engel offered the following Senate Joint Resolution, to-wit:

S. J. R. 92. WHEREAS, Hurricane Camille, which struck the Gulf Coast on the night and early morning of Sunday and Monday, August 17 and 18, 1969, is already considered the most deadly storm ever to strike the United States mainland, and

WHEREAS, while the Mississippi Gulf Coast has borne the brunt of this devastating hurricane, yet the Mobile County-Baldwin County area in southwest Alabama experienced terrific winds, rains and tidal flooding, inflicting property damage estimated in the millions of dollars and causing a monumental chore of restoring utility services, maintaining order and traffic control, prevention of looting, clearing streets, highways and other areas of downed trees, fallen wires and other debris, as well as the maintenance of lines of communications before, during and after the actual impact of the storm for the information of concerned citizens, and

WHEREAS, the exemplary and dedicated efforts of those involved in this work, such as utilities employees, law enforcement personnel (including deputy sheriffs in Mobile and Baldwin Counties, Alabama National Guardsmen, Alabama State Troopers, City of Mobile police officers and police officers of other municipalities), personnel in the street departments of Mobile and other cities, and those associated with radio, television and newspaper organizations have combined and contributed to hold to a minimum the loss experienced by these Alabama residents, to restore the vital services interrupted by the storm, and at all times to keep the public informed of the dangers it faced and the information it needed in order to cope properly with these dangers, now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that we express the appreciation of the people in these affected areas of our State, through this body, to these dedicated men and women who have labored without rest, away from their families, for many long hours in this time of public peril and need.

On motion of Mr. McDermott, the Rules were suspended and the Resolution was adopted by the Senate.

JOINT SESSION

At 2:22 P.M., on motion of Mr. Engel and in accordance with House Joint Resolution No. 79 heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing an address by the Honorable James B. Allen, U.S. Senator.

The Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Honorable James B. Allen was escorted to the Chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by President Pro Tempore Goodwyn.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Merrill:

H. J. R. 125. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Wednesday, August 20, 1969, and when they adjourn on Wednesday, August 20, 1969, they adjourn to meet again on Thursday, August 21, 1969, and when they adjourn on Thursday, August 21, 1969, they adojurn to meet again on Tuesday, August 26, 1969, and when they adjourn on Tuesday, August 26, 1969, they adjourn to meet again on Thursday, September 4, 1969.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cooper, the Rules were suspended and the Resolution, H. J. R. 125, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1038. To amend Title and Section 19½ and to repeal Section 32 of Act No. 78, Special Session, 1961, (Acts of Alabama of 1961, P. 1955), as amended, which Act regulated the teaching and practice of Cosmetology in any county having a population of less than 600,000 according to the last or any subsequent Federal Decennial Census and creating a State Board of Cosmetology so as to regulate further such teaching and practices and the registration and license fees therefor so as to make such Act applicable to all counties of the State of Alabama.

was taken up.

Mr. Morrow offered the following substitute for the Bill, H. B. 1038, to-wit:

SUBSTITUTE TO H. B. 1038

A BILL
TO BE ENTITLED
AN ACT

TO AMEND TITLE AND SECTION 19½ AND TO REPEAL SECTION 32 OF ACT NO. 78, SPECIAL SESSION, 1961, (ACTS OF ALABAMA OF 1961, P. 1955), AS AMENDED, WHICH ACT REGULATED THE TEACHING AND PRACTICE OF COSMETOLOGY IN ANY COUNTY HAVING A POPULATION OF LESS THAN 600,000 ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS AND CREATING A STATE BOARD OF COSMETOLOGY SO AS TO REGULATE FURTHER SUCH TEACHING AND PRACTICES AND THE REGISTRATION AND LICENSE FEES THEREFOR SO AS TO MAKE SUCH ACT APPLICABLE TO ALL COUNTIES OF THE STATE OF ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as hereby amended to read as follows:

To regulate the teaching and practice of cosmetology.

Section 2. Section 19½ of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as amended, is hereby amended to read as follows:

Any person in any county having a population in excess of 600,000 according to the 1960 Federal Decennial Census, not heretofore subject to the provisions of Act No. 78, Special Session, 1961, as amended, who, at the time of the passage of this Act or prior thereto had practiced within such county cosmetology or any of its practices as a cosmetologist, and as such was at the time of the passage of this Act acting as an instructor, managing cosmetologist, or owner of a beauty shop, or school of cosmetology, and any person from any such county who at the time of the passage of this Act and for at least six (6) months immediately prior thereto had been in the continuous and actual practice of cosmetology or any of the practices thereof, in established places of business or beauty shop or school of cosmetology within such counties as a cosmetologist, and not as an apprentice or student, shall be registered by the Alabama Board of Cosmetology, ("the Board"), and shall receive a license to practice and follow the profession of cosmetology to the same extent and in the same capacity as such person had practiced or is practicing cosmetology or any of the practices thereof as a cosmetologist, instructor, managing cosmetologist, or owner. Such certificate and license shall be issued by the Board without an examination, and such person shall also be exempt from the qualifications heretofore set out as to education or age. Any person from any such county studying at the time of passage of this Act to become a student instructor or studying the occupation of cosmetology or any practice thereof in a school of cosmetology shall receive credit for the time and hours spent in such; provided that the person or persons to be exempted under this section as provided herein above and provided that the student to be credited as herein above provided shall within ninety (90) days after the passage of an approval of this Act file with the Board an application upon a form prescribed and furnished by the Board for a license to practice or to follow the practice or practices in the same capacity as shall have been

followed by him prior thereto or for a certificate or credits as a student. Such application shall be accompanied by an affidavit sworn to before a notary public or an officer authorized to administer oaths, and shall be signed by the applicant, stating the practices followed by him prior thereto or the study pursued, and further providing that such application be accompanied by the required renewal fee as provided in Section 16 of Act No. 78, Special Session, 1961, as amended. Any license or certificate so issued shall thereafter be renewable as provided in this Act and upon the payment of the renewal fees as provided for in this Act.

Section 3. Section 32 of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as amended, and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and further upon ratification by a vote of the majority of the cosmetologists of Jefferson County who are the holders of a current valid license issued by the Jefferson County Board of Cosmetological Examiners voting in such referendum; such referendum to be called by the Jefferson County Commission and held and supervised by the Judge of Probate of such county no sooner than sixty (60) days nor later than one hundred and twenty (120) days after the last day of the 1969 legislative session.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Bailes	Giles	Lindsey	Pelham	
Carr	Gilmore	Lolley	Pierce	
Childs	Givhan	McCarley	Radney	
Clark	Goodwyn	Morrow	Skidmore	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

And said Bill, H. B. 1038, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Bailes	Giles	Lindsey	Pelham	
Carr	Gilmore	Lolley	Pierce	
Childs	Givhan	McCarley	Radney	
Clark	Goodwyn	Morrow	Skidmore	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

The Bill:

S. 846. To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Tallapoosa County for the Department of Public Safety.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Radney	
Albea	Folsom	Lolley	Skidmore	
Bailes	Giles	McDermott	Stone	
Branyon	Goodwyn	O'Bannon	Turner	
Carr	Jackson	Pelham	Vacca	
Childs	Leonard	Pierce		—22

Nays: —0

The Bill:

S. 883. To transfer all portions of any State Forest that lie within boundary of counties having between 32,500 and 34,000 population to the Division of State Parks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pierce	
Albea	Engel	Lolley	Radney	
Bailes	Folsom	McDermott	Skidmore	
Branyon	Giles	Nabors	Stone	
Carr	Goodwyn	O'Bannon	Turner	
Childs	Jackson	Pelham	Vacca	
Cooper				—24

Nays: —0

The Bill:

S. 889. To transfer all portions of any State Forest that lie within boundary of counties having between 22,350 and 24,000 population to the Division of State Parks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Albea	Engel	Leonard	Pelham	
Bailes	Folsom	Lolley	Skidmore	
Branyon	Giles	McDermott	Stone	
Childs	Gilmore	Morrow	Vacca	
Cooper	Goodwyn	Nabors		—22

Nays: —0

The Bill:

S. 887. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of soybeans.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Adams	Giles	McDermott	Radney	
Albea	Gilmore	Morrow	Skidmore	
Bailes	Goodwyn	Nabors	Stone	
Carr	Jackson	O'Bannon	Turner	
Childs	Leonard	Oden	Vacca	
Cooper	Lolley			—25

Nays: —0

The Bill:

S. 888. To authorize and provide for the promotion of the production, marketing and use of soybeans and soybean products by research, education, advertising and other methods; authorizing soybean producers to act jointly with handlers, buyers and processors of soybeans and with the State Board of Agriculture and Industries for a promotional program; providing that producers of soybeans may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of such assessments; prescribing duties of the Commissioner of Agriculture and Industries, with respect to such a promotional program; and providing for the administration thereof by a nonprofit association; and providing for the collection of assessments by dealers, handlers and other buyers of soybeans; requiring an annual permit of such dealers, processors and other buyers; refund rights of sellers of soybeans; and other administrative, enforcement and penalty provisions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pierce	
Adams	Giles	McDermott	Radney	
Albea	Gilmore	Morrow	Skidmore	
Bailes	Goodwyn	Nabors	Stone	
Carr	Jackson	O'Bannon	Turner	
Childs	Leonard	Oden	Vacca	
Cooper	Lolley	Pelham		—26

Nays: —0

The Bill:

H. 755. To make an appropriation from the state treasury to the use of the State Department of Education in matching funds provided by the

Daughters of the American Revolution for capital outlay purposes at the Kate Duncan Smith School at Grant, Alabama.

Was read a third time at length and passed.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Adams	Giles	Lolley	Pierce	
Branyon	Givhan	McCarley	Stone	
Carr	Goodwyn	McDermott	Torbert	
Childs	Hawkins	Morrow	Turner	
Cooper	Jackson	Oden	Vacca	
				—23

Nays:

Messrs.:	Bailes	Nabors	Skidmore	
Albea	Dominick			—5

The Bill:

H. 899. To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

was taken up.

Mr. Pierce offered the following amendment to the Bill, H. B. 899, to-wit:

AMENDMENT TO H. B. 899

Amend H. B. 899 by deleting in its entirety Sections 2, and renumbering Sections 3, 4, & 5 to read Sections 2, 3, & 4.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Pelham	
Adams	Engel	Lolley	Pierce	
Albea	Folsom	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Torbert	
Childs	Hawkins	Nabors	Turner	
Clark	Jackson	O'Bannon	Vacca	
Cooper	Leonard			—29

Nays: —0

And said Bill, H. B. 899, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pierce	
Adams	Engel	Lindsey	Radney	
Albea	Folsom	Lolley	Skidmore	
Bailes	Giles	McCarley	Stone	
Branyon	Givhan	McDermott	Torbert	
Carr	Goodwyn	Morrow	Turner	
Clark	Hawkins	Nabors	Vacca	
Cooper	Jackson	O'Bannon		—30

Nays: —0

The Bill:

H. 320. Relating to the Eighteenth Judicial Circuit; providing for an additional Circuit Judge in such Circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Radney	
Adams	Giles	McDermott	Skidmore	
Albea	Harris	Morrow	Stone	
Branyon	Hawkins	Nabors	Torbert	
Carr	Jackson	O'Bannon	Turner	
Clark	Leonard	Pierce	Vacca	
Cooper	Lindsey			—25

Nays: —0

The Bill:

S. 460. To amend Sections 499, 501 and 502 of Chapter 1 of Title 2 of the Code of Alabama of 1940; and to repeal Sections 498 and 500 of Chapter 1 of Title 2 of the Code of Alabama of 1940, all of which relate to chemical laboratory analyses of substances, products and materials by the Department of Agriculture and Industries.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce	
Adams	Giles	McCarley	Radney	
Albea	Goodwyn	McDermott	Stone	
Bailes	Hawkins	Morrow	Torbert	
Carr	Jackson	Nabors	Turner	
Cooper	Leonard	O'Bannon	Vacca	
Engel				—24

Nays: —0

The Bill:

S. 880. To provide that no election heretofore or hereafter held pursuant to the provisions of Section 254 to 274, inclusive, of Title 52 of the

Code of Alabama of 1940 for the purpose of consolidating as a single school tax district all the area of a county lying outside the corporate limits of any city having a population of 2,500 or more, and the levy within such school tax district, at the maximum rate and for the maximum time allowed by law, of the special school tax authorized by Section 2 of Constitutional Amendment III shall be rendered invalid by reason of erroneous description in the proceedings, notice, or ballot relating to such election of the existing school tax districts or other territory to be so consolidated, or by any invalidity in any prior proceeding or election with respect to a school tax district lying within the area to be covered by such new school tax district.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 780. To provide for a Dockets Clerk of the Court of Appeals of Alabama, to provide for the duties of said Dockets Clerk, to fix the compensation, and to make an appropriation for carrying out the provisions of this act.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon	
Adams	Engel	Leonard	Pierce	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	Lolley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Clark	Hawkins	Nabors	Vacca	
Cooper				—28

Nays: —0

The Bill:

H. 811. To authorize every public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by a municipality or by its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this state in which any part of such water system or systems is situated, without an election, and with or without consideration, to transfer and convey such system or systems and all right, title and interest therein, including without limi-

tation all reversionary, residuary or remainder rights provided by law, to any other public corporation whose certificate of incorporation was filed in the office of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make the transfer and conveyance or in the office of the Probate Judge of an adjacent county; to require the public corporation proposing to make such transfer and conveyance to make provision for the payment and retirement of any bonds, mortgages, indentures, resolutions or other obligations including revenue bonds or other securities payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed or to require the assumption thereof by the transferee public corporation; to authorize each public corporation and municipality to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to carry out the provisions of the Act; to provide for the publication and posting of a notice of the proceedings taken or to be taken under the Act; to limit the time within which any proceedings may be commenced in any Court with respect to the matters referred to in said notice; to provide that the provisions of this Act shall be cumulative; to provide that all matters authorized in the Act shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body; to provide for the severability of the provisions of this Act; and to provide the effective date of this Act.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—29

Nays: —0

The Bill:

S. 563. To provide that certain communications between clergymen and their communicants shall be privileged; defining terms; and providing for the application of this act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 563, to-wit:

COMMITTEE AMENDMENT TO S. B. 563

Amend Section 1 of S. B. 563 as follows: On line 3 place a comma after the word "rabbi" and insert the words "Christian Science practitioner".

Which was adopted.

Yeas 23; Nays 4.

Yeas:

Messrs.:	Cooper	Goodwyn	Morrow	
Adams	Engel	Hawkins	Nabors	
Albea	Folsom	Jackson	Oden	
Bailes	Giles	Leonard	Pelham	
Carr	Gilmore	Lolley	Turner	
Childs	Givhan	McDermott	Vacca	
				—23

Nays:

Messrs.:				
Lindsey	O'Bannon	Skidmore	Torbert	
				—4

And said Bill, S. B. 563, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 3.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Albea	Engel	Jackson	Pelham	
Bailes	Folsom	Leonard	Skidmore	
Branyon	Giles	Lolley	Stone	
Carr	Gilmore	McDermott	Turner	
Childs	Givhan	Morrow	Vacca	
Cooper	Goodwyn	Nabors		—26

Nays:

Messrs.:	Lindsey	O'Bannon	Torbert	
				—3

The Bill:

S. 528. To amend Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), an act to establish the Alabama Council on the Arts to change the name of said Council to the Alabama State Council on the Arts and Humanities and to exempt certain employees of the Council from the provisions of the state merit system and to provide for the duties and powers of such Council.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 31; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Pelham	
Adams	Dominick	Leonard	Pierce	
Albea	Engel	Lindsey	Radney	
Bailes	Folsom	Lolley	Skidmore	
Branyon	Giles	McDermott	Stone	
Carr	Gilmore	Morrow	Torbert	
Childs	Givhan	Nabors	Turner	
Clark	Goodwyn	O'Bannon	Vacca	
				—31

Nays: —0

The Bill:

S. 369. Relating to state colleges and universities; authorizing and providing for appointment of police officers to maintain law and order at such institutions.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Branyon	Giles	Lolley	Radney	
Carr	Gilmore	McDermott	Skidmore	
Childs	Givhan	Morrow	Stone	
Clark	Goodwyn	Nabors	Torbert	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson	Oden		—30

Nays: —0

The Bill:

S. 769, To amend Sections 4 and 5 of Act No. 743, H. 150, Regular Session 1957 (Acts 1957, p. 1143), as amended, entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pelham	
Branyon	Gilmore	McDermott	Pierce	
Carr	Givhan	Morrow	Radney	
Childs	Goodwyn	Nabors	Skidmore	
Clark	Jackson	O'Bannon	Torbert	
Dominick	Leonard	Oden	Vacca	
Folsom	Lindsey			—25

Nays: —0

The Bill:

H. 779. To establish a pension fund for Alabama Fire Fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms

of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards, to fix membership dues, and authorize gifts, contributions and donations to the fund.

was taken up.

The Standing Committee on Insurance reported the following amendment to the Bill, H. B. 779, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL NO. 779

Amend House Bill No. 779 by deleting therefrom Sections 4 and 5 in their entirety and substitute therefor the following:

"Section 4. The Board of Trustees and the Secretary-Treasurer heretofore selected and serving under the provisions of Act No. 345, 1967 Regular Session, shall continue to serve in their same capacities until such time as the Governor shall appoint the new Board and Secretary-Treasurer and they shall take the oath of office and enter upon their duties as is provided hereinafter. The new Board of Trustees of the Fire Fighters Pension Fund shall consist of seven (7) members, as follows: (1) The Governor, ex officio, (2) The State Superintendent of Insurance, ex officio, (3) the Secretary-Treasurer of the Alabama Fire Fighters Pension Fund, who shall be appointed by the Governor from a list of three names submitted from the membership of the Fire Fighters Pension Fund: four trustees shall be appointed by the Governor from a list of twelve nominees submitted from the membership of the Fire Fighters Pension Fund to positions designated No. 1, 2, 3, and 4. The trustees in Positions No. 1 and No. 2 shall each serve for a term of four years from the effective date of this Act and the ones filling positions No. 3 and No. 4 shall each serve for a term of two years from such date. Successors to these first members of this board shall be appointed to the respective positions by the Governor in the same manner and from nominees submitted from the membership of the Fire Fighters Pension Fund as is hereinabove provided, and their terms shall be four years and until their successors have been elected and have qualified by taking the prescribed oath. Trhustees may be re-appointed to succeed themselves.

Any vacancy occurring within a term in any of these four positions shall be filled by appointment by the Governor in the manner prescribed hereinabove and the person appointed to fill a vacancy occurring within a term shall only hold for the unexpired term of his predecessor.

Members of the board shall receive no compensation for their services thereon; but they may be reimbursed from the fund, herein established, for all necessary expenses that they incur through services on the board of trustees.

The board of trustees shall select a chairman and a vice-chairman from within its membership."

"Section 5. There is hereby created an office of Secretary-Treasurer of the Alabama Fire Fighters Pension Fund. The Secretary-Treasurer shall be appointed by the Governor as is provided in Section 4 and shall serve at the pleasurer of the Governor. His compensation shall be fixed by the board. He shall also be reimbursed for actual expenses incurred through services when so directed by the board. The members of the Board of Trustees appointed

by the Governor and the Secretary-Treasurer shall be bonded by a corporate surety authorized to do business in Alabama in the amount of $25,000 each. The cost of such bond shall be paid by the Alabama Fire Fighters Pension Fund. The Secretary-Treasurer shall be entitled to vote on all matters coming before the Board, except those dealing with his office."

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Cooper	Leonard	Pierce	
Albea	Engel	Lindsey	Radney	
Bailes	Folsom	Lolley	Skidmore	
Branyon	Giles	McDermott	Torbert	
Carr	Gilmore	Morrow	Turner	
Childs	Goodwyn	Nabors	Vacca	
Clark	Hawkins	Pelham		—26

Nay: Mr. O'Bannon —1

And Said Bill, H. B. 779, as thus amended, was then read a third time at length and passed.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Engel	Lindsey	Radney	
Albea	Folsom	Lolley	Skidmore	
Bailes	Giles	McDermott	Stone	
Branyon	Gilmore	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Childs	Hawkins	Oden	Vacca	
Cooper	Leonard	Pelham		—26

Nays:

Messrs.:				
Clark	Dominick	O'Bannon	Pierce	—4

The Bill:

H. 778. To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide a Pension Fund for the Fire Fighters in Alabama and to levy a tax in support thereof.

Was read a third time at length as required by the Constitution and passed.

Yeas 27; Nays 3.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Folsom	Lindsey	Radney	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	—27

Nays:

Messrs.:	Clark	Dominick	O'Bannon	—3

The Bill:

S. 287. To make a supplemental appropriation to the Commission on Physical Fitness.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Hawkins	Nabors	
Albea	Dominick	Jackson	Oden	
Bailes	Engel	Leonard	Pelham	
Branyon	Folsom	Lindsey	Radney	
Carr	Giles	Lolley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Goodwyn	Morrow	Vacca	—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1294. Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent feceral decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of $100,000.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 778. To repeal Act No. 175, S. 387 of the Regular Session of 1969, which provides for abatement of ad valorem taxes on property acquired by condemnation or otherwise by the State of Alabama or any agency or instrumentality thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 4.

Yeas:

Messrs.:	Dominick	Jackson	Morrow	
Albea	Folsom	Leonard	Nabors	
Bailes	Gilmore	Lindsey	Pelham	
Carr	Givhan	Lolley	Stone	
Childs	Hawkins	McDermott	Vacca	
Cooper				—20

Nays:

Messrs.:				
O'Bannon	Oden	Radney	Torbert	
				—4

The Bill:

H. 91. To amend Code of Alabama 1940, Title 35, Section 102, which provides exemptions from state toll bridge and tunnel fees, and automobile fees to certain members of the state militia, so as to extend the exemption relative to automobile fees to noncommissioned officers and enlisted men in the active national guard of Alabama.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 91, to-wit:

COMMITTEE AMENDMENT NO. 1 TO H. B. 91

Amend Section 1 of of H. B. 91 by striking in its entirety the third sentence therein which begins with the words "There shall be exempt" and inserting in lieu thereof the following:

"There shall be exempt from the operation of the privilege or license tax and registration fee now or hereafter to be levied on automobiles and motor vehicles by the State of Alabama, passenger vehicles owned and operated by the Federal Government, or any passenger vehicle owned and operated by officers and enlisted men actually serving in the United States Army who are assigned by the Department of Defense as instructors or sergeant-instructors with the National Guard of Alabama or by all officers, warrant officers, and enlisted men who are serving on active duty in the armed forces of the United States who are residents of Alabama at the time the exemption is claimed and who entered active service from Alabama and were residents of Alabama at the time of entering service or by all commissioned officers, noncommissioned officers, and enlisted men of the active National Guard of Alabama."

Mr. Radney offered the following amendment to the Committee amendment to the Bill, H. B. 91, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT NO. 1 TO H. B. 91

Amend Finance and Taxation Committee amendment to H. B. 91 by striking the period and quote at the end of the amendment and adding the following:

"and active members of the United States Armed Forces Reserve Organizations."

Which was adopted.

And said Committee amendment, as amended, was then adopted by the Senate.

Yeas 27; Nays 2.

Yeas:

Messrs.:	Cooper	Hawkins	O'Bannon	
Albea	Engel	Jackson	Oden	
Bailes	Folsom	Leonard	Pelham	
Branyon	Giles	Lindsey	Pierce	
Carr	Gilmore	Lolley	Radney	
Childs	Givhan	Morrow	Turner	
Clark	Goodwyn	Nabors	Vacca	
				—27

Nays: Messrs. Dominick and McDermott —2

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 91, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO H. B. 91

Amend H. B. 91 by adding the following after the end of the third sentence of Section 1:

"Provided that each individual who is entitled to the exemption from the operation of the motor vehicle or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama shall be entitled to such exemption for only one passenger vehicle; it being the intention of this legislature to limit such exemption to one per individual serviceman."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Albea	Gilmore	Lolley	Radney	
Bailes	Givhan	McDermott	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Engel	Leonard			—25

Nays: —0

And said Bill, H. B. 91, as amended, was then read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Albea	Gilmore	Lolley	Radney	
Bailes	Givhan	McDermott	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Carr	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Oden	Vacca	
Folsom	Leonard			—25

Nay: Mr. Dominick —1

The Bill:

H. 841. To fix the salary of the Chief Examiner and the Assistant Chief Examiner.

Was read a third time at length and passed.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Folsom	Lindsey	Oden
Albea	Gilmore	Lolley	Pelham
Bailes	Goodwyn	McDermott	Stone
Branyon	Hawkins	Morrow	Torbert
Carr	Jackson	Nabors	Turner
Cooper	Leonard	O'Bannon	Vacca
Dominick			

—24

Nay: Mr. Skidmore —1

The Bill:

H. 842. To provide for assistant legal counsels for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this act.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden
Albea	Giles	Lindsey	Pelham
Bailes	Gilmore	Lolley	Skidmore
Branyon	Goodwyn	McDermott	Stone
Carr	Harris	Morrow	Torbert
Cooper	Hawkins	Nabors	Turner
Dominick	Jackson	O'Bannon	Vacca

—27

Nays: —0

The Bill:

S. 560. To amend further Section 388 of Title 51, Code of Alabama, 1940, which relates to exemptions from the state income tax on individuals; and to provide that this Act shall be given retroactive effect to December 31, 1968.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lindsey	Pelham
Adams	Gilmore	Lolley	Radney
Albea	Goodwyn	McDermott	Skidmore
Bailes	Harris	Morrow	Stone
Cooper	Hawkins	Nabors	Torbert
Dominick	Jackson	Oden	Turner
Folsom	Leonard		

—25

Nays: —0

The Bill:

S. 807. To require hospitals to permit certain persons to inspect the record of any person who authorizes the same; to require proof of authorization; to define terms; and to prescribe penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 1.

Yeas:

Messrs.:	Giles	Lolley	Pierce	
Albea	Givhan	McDermott	Radney	
Bailes	Harris	Morrow	Skidmore	
Cooper	Jackson	Nabors	Stone	
Dominick	Leonard	O'Bannon	Torbert	
Engel	Lindsey	Oden	Turner	
Folsom				—24

Nay: Mr. Adams —1

The Bill:

S. 174. To provide for the creation and operation of a Board of the State of Alabama to be known as the Beautification Board of the State of Alabama; providing for the appointment of said Board; setting out the qualifications of members; determining the method of filling vacancies; providing for the organization of the Board and for meetings and setting out the powers and duties of the Board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Giles	McDermott	Radney	
Albea	Givhan	Morrow	Skidmore	
Bailes	Goodwyn	Nabors	Stone	
Childs	Hawkins	O'Bannon	Torbert	
Cooper	Leonard	Oden	Turner	
Dominick	Lindsey			—25

Nays: —0

The Bill:

S. 687. To provide further for the management of public records of all of the counties of the state; to provide for the appointment and compensation of a county records administrator; to prescribe his authority, powers and duties, and to appropriate funds for such purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 4.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Bailes	Giles	Lolley	Radney	
Childs	Givhan	McDermott	Skidmore	
Cooper	Goodwyn	Morrow	Stone	
Dominick	Hawkins	Nabors	Turner	
Engel	Leonard	Oden	Vacca	
				—23

Nays:

Messrs.:				
Albea	Branyon	Carr	Torbert	
				—4

The Bill:

S. 688. To amend Act No. 565, Regular Session 1955, (Acts 1955, p. 1227) which act relates to the management of the public records of the state, by reducing the number of members of the county records commission and providing expense allowances for the members of said commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 18; Nays 4.

Yeas:

Messrs.:	Giles	Lindsey	Pelham	
Bailes	Givhan	Lolley	Skidmore	
Cooper	Goodwyn	McDermott	Stone	
Engel	Hawkins	Nabors	Turner	
Folsom	Leonard	Oden		
				—18

Nays:

Messrs.:				
Branyon	Carr	Radney	Torbert	
				—4

The Bill:

H. 57. To provide for the depositing of a valid Driver License in lieu of bail for violation of certain traffic laws of incorporated municipalities.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Cooper	Lindsey	Pierce	
Adams	Dominick	Lolley	Radney	
Albea	Engel	McDermott	Skidmore	
Bailes	Giles	Morrow	Stone	
Branyon	Givhan	Nabors	Torbert	
Carr	Goodwyn	O'Bannon	Turner	
Childs	Hawkins	Pelham	Vacca	
Clark	Jackson			
				—29

Nays: —0

The Bill:

H. 439. To transfer and reappropriate certain monies heretofore appropriated to the Farmers Market Authority for other expenses to such Authority's account for equipment purchases; and to authorize and regulate the use of funds hereby transferred and reappropriated.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Goodwyn	Pelham	
Adams	Cooper	Lolley	Pierce	
Albea	Dominick	McDermott	Skidmore	
Bailes	Engel	Morrow	Stone	
Branyon	Folsom	Nabors	Torbert	
Carr	Giles	O'Bannon	Turner	
Childs	Givhan			—25

Nays: —0

The Bill:

H. 796. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions and industry, and to authorize counties and municipalities to provide for collection and disposal of solid wastes and charge a fee therefor, and to contract for such services to be performed by others, and to permit the formation of districts or areas beyond corporate limits, or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act or rules and regulations pursuant thereto, in the interest of the public health, comfort and safety.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick				—28

Nays: —0

The Bill:

H. 733. To provide for voluntary and temporary or emergency admissions of patients at certain state hospitals and facilities maintained for treatment of the mentally ill, and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lolley	Pierce	
Bailes	Folsom	McDermott	Radney	
Carr	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Hawkins	O'Bannon	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

S. 895. To provide for the revision, codification, digesting and promulgation of the public statutes of this State; to authorize the Governor to enter into a contract for such revision, codification, digesting and promulgation of such statutes; to designate the Legislative Council as a legislative committee to read, revise, amend and correct the manuscript of the Code; and to make an appropriation to effect the purposes of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 2.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Albea	Folsom	Lolley	Pierce	
Bailes	Givhan	McDermott	Radney	
Carr	Goodwyn	Morrow	Torbert	
Childs	Hawkins	Nabors	Vacca	
Dominick	Jackson	O'Bannon		—22

Nays: Messrs. Branyon and Cooper —2

The Bill:

S. 861. Relating to crimes and offenses; prescribing penalty for certain offenses relative to coin-operated devices, including but not limited to parking meters, bending machines, coin telephones.

was taken up.

Mr. Morrow offered the following substitute for the Bill, S. B. 861, to-wit:

SUBSTITUTE FOR S. B. 861

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; prescribing penalty for certain offenses relative to coin-opearted devices, including but not limited to parking meters.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to wilfully open, enter, remove, break into, tamper with, or damage any parking meter, coin tele-

phone or other coin-operated vending machine dispensing goods or services, with the intent to commit a larceny therefrom; or to possess a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services; or to possess a drawing, print or mold of a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services; or to break into or enter any parking meter, coin telephone, or other coin-operated vending machine dispensing goods or services with the intent to steal therefrom.

Section 2. Any person who violates any provision of this Act shall upon the first conviction, be punished by imprisonment in the county jail, or sentenced to hard labor for the county, for not more than one year or by a fine of not more than $500, or by both such fine and imprisonment; and for any subsequent conviction, such person shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years, or by a fine of not more than $1,000, or by both such fine and imprisonment.

Section 3. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Pelham
Adams	Dominick	Lolley	Pierce
Bailes	Engel	McDermott	Radney
Branyon	Folsom	Morrow	Stone
Childs	Goodwyn	Nabors	Turner
Clark	Hawkins	O'Bannon	Vacca

—23

Nays: —0

And said Bill, S. B. 861, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Pierce
Adams	Engel	Lolley	Radney
Bailes	Folsom	McDermott	Stone
Branyon	Gilmore	Morrow	Torbert
Carr	Goodwyn	Nabors	Turner
Cooper	Hawkins	Pelham	Vacca

—23

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Goodwyn, further consideration of the Bills, S. B.'s 541 and 542, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 477. To make it unlawful and constitute a misdemeanor to build, maintain or use an insanitary sewage collection, treatment and disposal facility within the State, but excluding certain plumbing within municipalities; to authorize the State Board and/or County Boards of Health to adopt rules and regulations for the administration of this Act; to authorize the State Board of Health and/or County Boards of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the State Board of Health and/or County Boards of Health; provides for the approval of plans and specifications and issuance of permits for construction; to repeal Title 22, Section 73 Code of Alabama 1940 and Code of Alabama Recompiled 1958; and to provide penalties for violation of this Act, and certain rules and regulations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Lolley	Pierce	
Albea	Gilmore	McDermott	Radney	
Bailes	Goodwyn	Morrow	Skidmore	
Childs	Hawkins	Nabors	Stone	
Cooper	Jackson	O'Bannon	Torbert	
Dominick	Leonard	Pelham	Turner	
Folsom	Lindsey			—25

Nays: —0

The Bill:

S. 138. To authorize the governing bodies of municipal corporations of this state to elect a deputy recorder or deputy recorders; such deputy recorders, when so elected and serving, shall have and possess the identical power and authority granted by law to recorders; providing for the term of office and salary of such deputy recorders.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pierce	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	Lolley	Skidmore	
Branyon	Givhan	Nabors	Torbert	
Carr	Goodwyn	O'Bannon	Turner	
Childs	Hawkins	Pelham	Vacca	
Cooper	Jackson			—25

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Radney, further consideration of the Bill, S. B. 134, was indefinitely postponed by the Senate.

On motion of Mr. Torbert, further consideration of the Bill, S. B. 102, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 66. To provide for assessment of reasonable fees for attorneys prosecuting the cause in suits for recovery of past due alimony, maintenance or support.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 1.

Yeas:

Messrs.:				
Albea	Engel	Leonard	Pierce	
Bailes	Folsom	Lindsey	Radney	
Carr	Giles	Lolley	Skidmore	
Childs	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
	Jackson	Pelham		—26

Nay: Mr. Branyon —1

The Bill:

H. 635. To amend further Section 2 of Act No. 217, S. 23 of the 1967 Special Session of the Legislature of Alabama (Acts 1967, p. 259), so as to exempt from the provisions of said act contracts relating to medical clinics boards.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 635, to-wit:

COMMITTEE AMENDMENT TO H. B. 635

The title to H. B. No. 635 is hereby amended by striking out that portion which begins with the word "clinics" and inserting in lieu thereof the following:

"clinic boards organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended by Act No. 109 adopted at the 1965 First Special Session of the Legislature of Alabama."

Section 1 of H. B. No. 635 is hereby amended by adding at the end of the thirty-second (32nd) line of Amended Section 2 of Act No. 217 of the 1967 Special Session of the Legislature of Alabama after the words "medical clinic board," the following:

"organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended by Act No. 109,

adopted at the 1965 First Special Session of the Legislature of Alabama, nor to the purchase, lease or other acquisition of machinery, equipment, supplies and other personal property or services."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	O'Bannon
Albea	Engel	Leonard	Pelham
Bailes	Giles	Lindsey	Pierce
Carr	Gilmore	Lolley	Radney
Childs	Givhan	McDermott	Skidmore
Clark	Goodwyn	Morrow	Turner
Cooper	Hawkins	Nabors	Vacca

—27

Nays: —0

And said Bill, H. B. 635, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham
Albea	Giles	Lindsey	Pierce
Bailes	Gilmore	McDermott	Radney
Carr	Givhan	Morrow	Skidmore
Clark	Hawkins	Nabors	Turner
Cooper	Jackson	O'Bannon	Vacca

—23

Nays: —0

The Bill:

S. 575. To provide for uniformity in designating county governing bodies in the several counties of this state.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Pierce
Albea	Dominick	McDermott	Radney
Bailes	Giles	Morrow	Torbert
Branyon	Gilmore	Oden	Turner
Carr	Givhan	Pelham	Vacca
Childs	Jackson		

—21

Nays: —0

The Bill:

S. 68. To amend further Section 385, Title 51, Code of Alabama 1940 as amended, to allow deductions for charitable contributions made to out of state institutions by nonresident taxpayers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 0.

Yeas:

Messrs.:	Givhan	McDermott	Pelham	
Bailes	Jackson	Morrow	Pierce	
Childs	Leonard	Nabors	Radney	
Cooper	Lindsey	O'Bannon	Torbert	
Dominick	Lolley	Oden	Turner	
Engel				—20

Nays: —0

The Bill:

S. 617. To provide for and regulate liens for work, labor and materials for installing paving, curbs, gutters, storm sewers, sanitary sewers and other improvements in or on public streets, avenues, alleys and other public ways.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 18; Nays 3.

Yeas:

Messrs.:	Cooper	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Branyon	Givhan	O'Bannon	Skidmore	
Carr	Jackson	Oden	Turner	
Childs	Leonard	Pelham		—18

Nays:

Messrs.:	Bailes	Hawkins	McDermott	—3

The Bill:

H. 728. To amend Act No. 168 (H. 270) Special Session of 1966 relating to the Alabama Historical Commission by increasing the Commission membership from eleven to fifteen persons.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gilmore	Lolley	Pelham	
Albea	Givhan	McDermott	Pierce	
Bailes	Hawkins	Morrow	Radney	
Branyon	Jackson	Nabors	Skidmore	
Carr	Leonard	O'Bannon	Torbert	
Cooper	Lindsey	Oden	Turner	
Dominick				—24

Nays: —0

The Bill:

S. 483. To further amend Title 22, Section 255, Code of Alabama 1940, as last amended by Section 5 of Act No. 397, Acts of Alabama 1957 page 557, approved September 4, 1957, by changing a penalty from a misdemeanor to a felony.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 1.

Yeas:

Messrs.:	Dominick	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Bailes	Givhan	McDermott	Skidmore	
Branyon	Goodwyn	Morrow	Torbert	
Childs	Hawkins	Nabors	Turner	
Clark	Jackson	Oden	Vacca	
Cooper	Leonard	Pelham		—26

Nay: Mr. O'Bannon —1

The Bill:

H. 274. To amend Section 142, Chapter 7, Title 52, Code of Alabama, 1940, as amended.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, H. B. 274, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 724

A BILL
TO BE ENTITLED
AN ACT

To amend Section 142, Chapter 7, Title 52, Code of Alabama, 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 142, Chapter 7, Title 52, Code of Alabama, 1940, be and it is hereby amended to read as follows:

No fees of any kind shall be collected from children attending any of the first six grades during the school term supported by public taxation; provided, however, that any County or City Board of Education shall be authorized to permit any school subject to its supervision to solicit and receive from such children or their parents or guardians voluntary contributions to be used for school purposes by the school where such children are attending; provided further, that the provisions of this Act shall in no way affect or restrict the right or power of a school board to fix and collect tuition fees or charges from pupils attending schools under the jurisdiction of such board but who live outside the territory over which such board has jurisdiction.

Section 2. This bill shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RECESS

At 7:10 P.M., on motion of Mr. Nabors, the Senate took a recess until 8:30 o'clock tonight.

NIGHT SESSION

THIRTY-SECOND LEGISLATIVE DAY

TUESDAY, AUGUST 19, 1969

The Senate re-assembled in the Senate Chamber, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

REPORTS OF COMMITTEES

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McDonald, Edington and McLain:

H. 106. To permit persons, firms, corporations, partnerships and associations when borrowing money in amounts of not less than $100,000 to pay such rates of interest on the loan or forbearance of money as such borrower may agree to pay without regard to any provision of law limiting interest rates, and denying to such borrower and to other persons who may become liable thereon the right to claim or raise the defense of usury.

By Mr. Cook (Coffee):

H. 228. Relating to the state banking department; amending Section 9 of Act No. 204, H. 30, Regular Session 1955 (Acts 1955, p. 497), so as to provide further for the authority and duties of the deputy superintendent of banks.

By Mr. Cook (Coffee):

H. 230. Relating to banks and banking; providing further for the qualifications of directors of certain banks; amending Code of Alabama 1940, Title 5, Section 185.

FURTHER CONSIDERATION OF H. B. 274

The Senate proceeded to further consideration of the Bill, H. B. 274.

The question was on the substitute reported by the Committee on Education, for the Bill, H. B. 274.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Graham and Berryman:

H. 1315. To provide for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service, or any thereof, upon the filing of an application with, and the authorization of such incorporation by, the governing body of each county and municipality within which any such District is to be authorized to furnish any of such services; to provide that the service area specified in the original certificate of incorporation of any such District shall lie wholly within the boundaries of the county or counties by the governing bodies of which the incorporation of such District was authorized and that no part of said service area shall lie within the boundaries of any municipality by the governing body of which such incorporation was not authorized; to provide for the amendment of the certificate of incorporation of any such District for the purpose of extending the service area, and for other purposes, at any time and from time to time, upon the filing of applications with, and the authorization of each such amendment by, the governing bodies of each county and municipality in which any part of the then existing or proposed service area of such District lies; to provide for the election and compensation of directors of any such District; to provide for the powers, authorities and duties of any such District and its board of directors; to authorize any such District to acquire, construct, operate, improve and finance one or more waterworks plants, water distribution systems, sanitary sewer systems, or fire protection facilities, or any combination of any thereof; to confer on any such District the power of eminent domain; to authorize any such District to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to make provisions respecting the establishment, revision, and collection of charges for water service, sewer service and fire protection service, or any thereof, rendered by it; to provide for the issuance by any such District for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any one or more of the systems and facilities, or any thereof, of such District, without regard to the system or systems or facilities with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such District for the proper application of its revenues and of the proceeds of such revenue securities, and by a nonforeclosable mortgage and deed of trust or statutory mortgage lien on the system or facilities out of the revenues from which such securities are payable, and to provide that any revenue securities of the District may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by a District of obligations respecting systems and facilities, or parts thereof, acquired by the District; to provide for the use of the proceeds of any revenue securities issued by a District; to provide for the refunding, by the issuance of revenue securities of a District, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such District pursuant to this Act shall not

constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, sewer system, fire protection facility, or other property to any such District; to provide that the rendition by any such District of fire protection service is a governmental function and to exempt such District from all tort liability in connection with fire protection service or facilities; to exempt the property and income of any such District, and all securities issued by any such District and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such District is a party from all taxation in the state, to exempt every such District from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such District from payment of certain charges to Judges of Porbate; to provide that each such District shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such District; and to provide for the dissolution of any such District and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1315. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same forthwith to the Senate without engrossment:

By Messrs. Pennington, Grainger, Jones, McLain, Laxson, Starnes, Meade, Manley, Hill, Bank, Brown, Beck, Lybrand, Grayson, McElhaney, Owens (W. E.), Williams, Doss, Culver, Robertson, Cook (Jefferson), House, Lyons, Hobbie, McDonald, Bolton, Smith, Cook (Coffee), McCorquodale, Shumate, Money, Gloor, Jackson (T), Pruitt, Burgreen and Tuck:

H. 1342. To propose an amendment to the Constitution of Alabama authorizing and providing for the issuance of not more than $4,000,000 in principal amount of general obligation bonds of the State of Alabama for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville and the University of Alabama at Huntsville.

Also:

By Mr. McCorquodale:

H. 614. To amend further Section 706, Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of motor vehicle license tags.

Also:

By Mr. Harper:

H. 731. To amend Code of Alabama 1940, Title 51, Section 545, levying a privilege license tax on lightning-rod salesmen to make further provisions for levying such privilege licenses.

Also:

By Mr. Melton:

H. 1284. To amend Sections 1 and 2 of Act No. 486, H. 765, approved July 9, 1943, an act creating the Cahaba Historical Commission, so as to increase the membership of the board of trustees; to provide for the manner of their appointment; and to grant additional authority to the board.

Also:

By Messrs. Cook (Coffee) and Steagall:

H. 587. To provide distinctive license plates free of charge for Alabama members of the United States Senate and House of Representatives; authorizing the commissioner of revenue to provide rules and regulations for the making, issuance and design of such plates.

Also:

By Messrs. Cook (Coffee) and Steagall:

H. 585. To amend Title 51, Section 701 (1), Code of Alabama 1940, as amended, which provides for tags for motor vehicles owned and used by state, county or municipality to provide distinctive tags for vehicles of municipal gas districts.

Also:

By Messrs. Foshee and Jackson (F):

H. 1447. To amend further Section 257 of Title 13, Code of Alabama 1940, which fixes the compensation of deputy solicitors in certain counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1342. To the Committee on Finance and Taxation.

H. B.'s 614, 731, 1284, 587, 585 and 1447. To the Committee on Public Buildings and Grounds.

(The above numbered Bill, H. B. 1342, was read at length as required by the Constitution.)

FURTHER CONSIDERATION OF H. B. 274

The Senate proceeded to further consideration of the Bill, H. B. 274. The question was on the substitute reported by the Standing Committee on Education.

Mr. Nabors moved that further consideration of the Bill, H. B. 274, and pending substitute, be indefinitely postponed. On motion of Mr. Cooper, the motion to postpone was laid on the table.

Yeas 27; Nays 3.

Yeas:

Messrs.:	Dominick	Hawkins	Pelham	
Bailes	Engel	Jackson	Pierce	
Branyon	Folsom	Leonard	Radney	
Carr	Giles	Lolley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn	Oden	Turner	
				—27

Nays:

Messrs.:	Albea	Lindsey	Nabors	
				—3

And said substitute for the Bill, H. B. 274, was then adopted by the Senate.

Yeas 26; Nays 3.

Yeas:

Messrs.:	Cooper	Jackson	Radney	
Albea	Dominick	Leonard	Skidmore	
Bailes	Folsom	Lolley	Stone	
Branyon	Giles	McDermott	Torbert	
Carr	Givhan	Morrow	Turner	
Childs	Goodwyn	Oden	Vacca	
Clark	Hawkins	Pelham		—26

Nays:

Messrs.:	Lindsey	Nabors	O'Bannon	
				—3

And said Bill, H. B. 274, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 4.

Yeas:

Messrs.:	Folsom	Jackson	Pelham	
Bailes	Giles	Leonard	Radney	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Dominick	Hawkins	Oden	Vacca	
				—23

Nays:

Messrs.:				
Albea	Lindsey	Nabors	Skidmore	
				—4

BILLS ON THIRD READING RESUMED

The Bill:

S. 660. To authorize the Commissioner of Agriculture and Industries to approve and certify soil testing laboratories that make recommendations

for fertilizer or plant food needs for agricultural purposes; to authorize the State Board of Agriculture and Industries to adopt rules and regulations prescribing requirements and standards for the certification of soil testing laboratories and to provide an exemption therefrom; to prohibit false or fradulent representations concerning certification as authorized hereunder and to provide a penalty for violations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Pelham	
Albea	Giles	Lindsey	Radney	
Bailes	Gilmore	Lolley	Stone	
Branyon	Givhan	McDermott	Torbert	
Carr	Goodwyn	Morrow	Turner	
Cooper	Hawkins	Nabors	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 566. To provide for inclusion of shelters from radioactive fallout in new public buildings and structures erected in the state wherein the use of state funds are involved, including all public school buildings and structures and buildings or structures of colleges and universities.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Nabors	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McCarley	Torbert	
Childs	Goodwyn	McDermott	Turner	
Cooper	Hawkins	Morrow	Vacca	
Dominick				—28

Nays: —0

The Bill:

H. 567. To authorize municipalities and county governing bodies to require the inclusion of radioactive fallout protection in new public buildings or structures.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Carr	Engel	Givhan
Albea	Childs	Folsom	Goodwyn
Bailes	Cooper	Giles	Hawkins
Branyon	Dominick	Gilmore	Leonard

Lindsey	McDermott	Pelham	Torbert	
Lolley	Morrow	Radney	Turner	
McCarley	Nabors	Stone	Vacca	
				—27

Nays: —0

The Bill:

H. 270. Relating to certain schools or courses of instruction publicized, sold, offered for sale or administered to residents of this State; prescribing certain requirements relative to the solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the state board of education; authorizing the state board of education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the board; and providing penalties for violations.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Nabors	
Albea	Folsom	Leonard	Pelham	
Bailes	Giles	Lindsey	Radney	
Branyon	Gilmore	Lolley	Stone	
Carr	Givhan	McCarley	Torbert	
Childs	Goodwyn	McDermott	Turner	
Cooper	Hawkins	Morrow	Vacca	
				—27

Nays: —0

The Bill:

S. 49. To provide penalties for persons convicted of stealing fish from persons engaged in fish farming.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Morrow	
Albea	Giles	Lindsey	Nabors	
Branyon	Givhan	Lolley	Pelham	
Carr	Goodwyn	McCarley	Torbert	
Clark	Hawkins	McDermott	Vacca	
Cooper	Jackson			—21

Nays: —0

ADJOURNMENT

At 11:47 P.M., on motion of Mr. Pelham and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, August 20, 1969, at 12:01 A.M.

THIRTY-THIRD LEGISLATIVE DAY

WEDNESDAY, AUGUST 20, 1969

The Senate met pursuant to adjournment, President Pro Tempore Goodwyn presiding.

PRAYER

The Session was opened with prayer by Honorable J. Ernest Jackson, Senator, 25th Senatorial District.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden
Adams	Engel	Leonard	Pelham
Albea	Folsom	Lindsey	Pierce
Bailes	Giles	Lolley	Radney
Branyon	Gilmore	McCarley	Skidmore
Carr	Givhan	McDermott	Stone
Childs	Goodwyn	Morrow	Torbert
Clark	Harris	Nabors	Turner
Cooper	Hawkins	O'Bannon	Vacca

—35

JOURNAL

On motion of Mr. Folsom, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

STEWART O'BANNON, JR.,
Chairman.

COMMITTEE REPORT

On motion of Mr. O'Bannon, the foregoing report was concurred in and the Journal of the Senate for the Thirty-Second Legislative Day was approved by the Senate.

REPORT OF SELECT COMMITTEE

Mr. Harris, Chairman of the Select Committee created under the terms of S. R. 80, reported that said Committee had completed its investigation and submitted the following report, to-wit:

REPORT OF SENATE SELECT COMMITTEE CREATED BY SENATE RESOLUTION NO. 80

Mr. President and Gentlemen of the Senate, this committee was impaneled by authority of S. R. 80 and charged to inquire into the circumstances giving rise to a news article appearing in the August 12, 1969, issue of The Montgomery Advertiser wherein certain allegations of misconduct by a member or members of this body appear. The committee has undertaken its charge with a solemn recognition of its responsibility to secure the truth, to sustain the faith of the people of this state in their legislature, to preserve the integrity of this Senate and to protect the character and reputation of innocent individuals. Had it been a matter of choice, no member of the committee would have sought this service; but having been assigned the task, no member has sought to avoid it and, consequently, this finding by the committee is unanimous and represents its best considered judgment as to the true statement of facts with regard to the matter under inquiry, so far as we can ascertain.

The members of the news media have all been extremely courteous to members of the committee and have not on any occasion conducted themselves in such manner as to impede or hinder the committee in its work.

We have received the cooperation and proffers of assistance from the Honorable David Crosland, District Attorney, and we do hereby express our appreciation to him.

This committee has interrogated seventeen witnesses requested by it to appear and testify. In addition, two witnesses holding credentials as qualified polygraph operators have appeared and testified before the committee. These gentlemen, however, did not appear at the instance of the committee, but submitted their testimony and findings in response to direct arrangements between themselves and the individuals on whose behalf they appeared.

Based upon this inquiry, the committee respectfully submits the following findings:

1. As such relate to Senator W. G. McCarley:

The committee finds that through innocent circumstances Senator McCarley agreed to and did sponsor in the Senate S. B. 217 commonly known as the Policemen's Pension Bill. This was a companion bill and identical to H. B. 288. On July 16, 1969, the Twentieth Legislative Day, H. B. 288 was received by the Senate and assigned to the consideration of the Insurance Committee.

On July 22, 1969, Mr. J. A. Williams, employed by the Birmingham Police Department and acting on this occasion for the Fraternal Order of Police, the chief proponent of the bill, contacted Senator McCarley since he was the sponsor of the Senate companion bill, and requested that he determine the status of H. B. 288, and the prospects of securing a hearing on such and its approval by the Insurance Committee.

Senator McCarley thereupon inquired of Senator Lolley as to the prospects of securing a hearing on the bill and securing a favorable report from the committee. Senator Lolley responded, according to Senator McCarley, with the inquiry, "How bad do they want it out?" Upon further inquiry as regards the bill, according to Senator McCarley, he was directed by Senator Lolley to "Go see Cooper."

Senator McCarley further stated that he approached Senator Cooper and inquired about securing approval of the bill by the committee to which Senator Cooper responded, "See how bad they want the bill out."

Senator Lolley categorically denies any such exchange between himself and Senator McCarley. Likewise, Senator Cooper categorically denies any such conversation as affirmed by Senator McCarley. Senator Cooper does acknowledge that he did on one occasion, the exact date unknown, discuss with Senator McCarley the merits of H. B. 288 and expressed his objections to it. According to Senator Cooper, his objections related to certain court costs imposed by the bill as originally drawn with respect to moving traffic offenses, such court costs being originally set at $3.00 but which were subsequently reduced to $1.00 by House Amendment, which removed his objection to the bill.

Following his alleged conversations with Senators Lolley and Cooper, Senator McCarley, on July 22, related to Mr. Williams, in substance, that "they", (without specifying precisely who) wanted to know how bad the police association wanted H. B. 288 out of the Insurance Committee. The implication to Williams was apparently clear that a request for money was being presented since he then inquired of McCarley, in substance, how much would be involved. Moreover, on this occasion, Senator McCarley stated, more than one time, that he was acting for someone else as a messenger or contact man and that he personally disapproved. To this point in the conversation between Senator McCarley and Mr. Williams on this occasion, there is little conflict in their testimony. Senator McCarley states that on this occasion, without corroboration by Williams, he, Senator McCarley, had no clear idea of any precise amount demanded. He said he was simply seeking a reply to the general inquiry, "How bad do they want the bill out?" According to McCarley, he then suggested that the figure that would be required might be $5.00 or $10.00 or it could be $5,000.00 or $10,000.00.

At this point conversations were broken off between Senator McCarley and Mr. Williams with the latter stating that he was without experience in such matters, had no authority to make any such arrangements, and would contact Senator McCarley later.

On Thursday, July 24, Mr. Williams returned to Montgomery and contacted Lt. Bob Bryant of the Montgomery Police Department, also an officer in the Fraternal Order of Police. The two of them contacted Senator McCarley in the Capitol where, in the course of their first of at least two separate conversations on the same day, and according to Lt. Bryant, he expressed his displeasure at the whole idea of paying for the approval of the bill. At this time, according to the testimony of both Bryant and Williams and Senator McCarley, he, Senator McCarley, reaffirmed that he was acting as a messenger and was not demanding any payment for himself. Similarly, in this first conversation on July 24, Bryant asked Senator McCarley for a precise figure. In the second conversation on July 24, according to Bryant and Williams, Senator McCarley reported that the required payment would be $3,500.00 or $4,000.00. He also stated, according to Bryant, in response to an inquiry by Bryant, that the demand for payment was being presented on behalf of Senators Roland Cooper and Ray Lolley. According to Lt. Bryant and Mr. Williams in this conversation Senator McCarley suggested that they offer $3,500.00 and hold $500.00 in reserve for a possible increase in their offer. At this point, according to Senator McCarley's testimony, neither Senator Cooper nor Senator Lolley had given him a precise demand figure but had only insisted that he determine "How bad they (the FOP) wanted the bill out." With respect to this particular conversation, Senator McCarley said that the amount was $2,000.00.

According to Lt. Bryant, upon his arrival in the rotunda, on the afternoon of July 24, he was advised by Officer Williams that we (meaning the FOP) were being shook down and that shortly thereafter Senator McCarley came up and said, "We are going to have to have

some money," and that Senator McCarley said further that, "I am the messenger, the contact." That Lt. Bryant then related to Senator McCarley that he didn't like it and that he was going to see Joe Goodwyn, but that he, Bryant, was discouraged from doing this by Senator McCarley. That Lt. Bryant then told Senator McCarley that if we do pay someone is going to hang. That at that time Senator McCarley went back into the Senate Chamber and returned to Bryant and Williams within a few minutes and advised them that he knew a gambler in Jefferson County who would help raise the money. That this was the first time the names of Senators Cooper and Lolley were mentioned.

Having no knowledge of the particulars of any conversations between Senator McCarley, Bryant and Williams, Senator Cooper and Senator Lolley say nothing with respect to such conversation but categorically denied that any money demand was made by them or either of them or that Senator McCarley was acting on their behalf.

Over the weekend of July 26 and 27, Lt. Bob Bryant contacted three Fraternal Order of Police lodges throughout the state to determine whether or not funds could be contributed toward any payment required to secure the passage of the bill. These efforts were, according to Bryant, undertaken with the idea of "marking" any money paid so as to apprehend the recipient. The efforts were fruitless, however, and no money was secured and on Monday or Tuesday, July 28 or 29, Bryant again met with McCarley and reported that no money had been raised. According to Bryant, in the latter conversation of the week of July 28, Senator McCarley renewed his offer of assistance to the police in the raising of any of the required money and, according to Bryant, indicated that if he, Senator McCarley, received any money from the affair, he would donate it to the Boy's Ranch. Senator McCarley denied in his testimony that he ever intimated an awareness that he might receive any part of the demanded payment, or that if he did, it would go to the Boy's Ranch.

According to Senator McCarley, although the precise date is not fixed, but it apparently followed his conversations with Lt. Bryant and Mr. Williams on July 24, he, Senator McCarley, was approached by Senator Cooper at which time Senator Cooper wanted to know how much the police were going to be able to get up, and, further, according to Senator McCarley, Senator Cooper indicated that it would take $2,000.00 to secure favorable action on the bill. Senator Cooper categorically denies ever having discussed the payment of any money to get the bill out of committee and denies that he ever discussed with anyone a payment by the Fraternal Order of Police to secure approval of the bill.

On Thursday, August 15, 1969, Senator McCarley offered to the committee the testimony of Mr. William C. Donaldson, Bessemer, Alabama, as a witness to the committee. Mr. Donaldson testified that he had given Senator McCarley a polygraph (sometime referred to as lie detector) test the night before and that the test indicated to him that Senator McCarley's version of the affair was true and correct, that he had told the truth on all pertinent points of inquiry. Mr. Donaldson testified to his qualifications as a professional polygraph operator which would indicate that he is capable and competent.

Senator Cooper was informed of the fact that Senator McCarley had had such test made but the results of the test were not made known to Senator Cooper by the committee. On August 19, Senator Cooper presented to the committee Mr. Alex L. Gregory, Detroit, Michigan, who testified to his qualifications as a polygraph expert. He further testified to having conducted a test of Senator Cooper by use of the polygraph device and his conclusion and opinion is that Senator Cooper

told the truth when he stated that he had had no knowledge of the actions ascribed to him by Senator McCarley and that such test further showed that Senator Cooper was telling the truth when he said that he had no knowledge of the matter prior to August 11.

As respects Senator McCarley the finding is inescapable that his conduct is incompatible with and contrary to his clear duty as a member of the Senate of Alabama. Viewed in the light most favorable to him and discounting in their entirety certain inconsistences in his own testimony, Senator McCarley, by his own acknowledgement, was a knowing participant in a program of whatever origin which had as its purpose and goal the extraction of money from a citizen as a pre-condition to the orderly and proper exercise of the legislative process. He was, in short, by his own admission, a knowing accomplice. Conceding that he did not expect direct financial reward does nothing to void this finding.

2. As such relate to Senator Roland Cooper:

Most of the testimony touching Senator Cooper's involvement, if any, in the matter under inquiry is detailed in the foregoing discussion relating to Senator McCarley.

Two pertinent observations should be made: First, there is absolutely no confession of or acknowledgement by Senator Cooper of any acts or statements which might tend to incriminate him; second, the only direct testimony which involves Senator Cooper in the matter under inquiry is the accusation by Senator McCarley as such is, and, to the extent such is corroborated by the testimony by Mr. Donaldson based upon the polygraph examination of Senator McCarley. All other testimony relating to Senator Cooper and incriminatory in nature is hearsay as such was related by Senator McCarley to other witnesses.

Nevertheless, the unequivocal accusation by Senator McCarley remains that Senator Cooper did express a demand for money as a precondition to the orderly and regular function of the legislative process, and this accusation, for whatever it may be worth, is supported in some detail by the testimony based on Senator McCarley's polygraph examination.

Equally strong, unequivocal, and categorical is Senator Cooper's denial of any complicity in the alleged extortion. His denial is supported, for whatever it may be worth, by testimony of Mr. Gregory based upon the polygraph examination of Senator Cooper.

So far as the committee has been able to determine in the time available, the qualifications of both polygraph operators who testified; Mr. Donaldson in behalf of Senator McCarley; and Mr. Gregory in behalf of Senator Cooper, are satisfactory.

With respect to Senator Cooper the committee is left in the posture of having received directly conflicting statements from two Senators, the truth or falsity of which are incapable of objective demonstration. Moreover, polygraph examinations of both Senator McCarley and Senator Cooper support the truth of the statements made by them respectively. So far as appears no one other than Senator McCarley and Senator Cooper were present at all the times in question so as to affirm or deny the truth of the respective statements. Such truth, therefore, rests within the absolute knowledge of the two Senators and beyond the power of this committee to determine, and we respectfully submit that the entire body of the Senate is equally as capable of making this determination as are we.

3. As such relate to Senator Ray Lolley:

Again, the testimony which relates to the complicity, if any, of Senator Lolley in the matter under inquiry may be found in the discussion relating to Senator McCarley. It is quite brief. Senator McCarley testified that he initially contacted Senator Lolley pursuant to a request of Mr. Williams that he, Senator McCarley, inquire as to the prospects for securing the Insurance Committee's approval of H. B. 288 whereupon he, Senator McCarley, according to his statement, was asked by Senator Lolley, "How bad do they want the bill out?" Thereafter, according to Senator McCarley, Senator Lolley advised him to "Go see Cooper."

According to Lt. Bryant, Senator McCarley related to him on July 24, in response to questioning by Lt. Bryant, that Senator Lolley, along with Senator Cooper were the parties on whose behalf he, Senator McCarley, was presenting a demand for the payment of money.

Senator McCarley's testimony in this particular is corroborated by the testimony of Mr. Donaldson based upon Senator McCarley's polygraph examination.

The accusation of Senator McCarley as set out above is expressly and categorically denied by Senator Lolley. Indeed, Senator Lolley denies ever having had any conversation with Senator McCarley as respects H. B. 288.

We would suggest with respect to Senator Lolley three pertinent considerations:

First, the statements attributed by Senator McCarley to Senator Lolley and denied by Senator Lolley are equivocal as to their intent; second, there is no confession or acknowledgement by Senator Lolley of any acts or statements which might tend to incriminate him; third, even if it be assumed that Senator Lolley made the disputed statements and that such had culpable intent, such assumption must be necessarily based solely upon the direct testimony of Senator McCarley as all other testimony touching this subject was hearsay related by Senator McCarley to other witnesses.

As was the case in regard to Senator Cooper, with regard to Senator Lolley the committee is left in the posture of having received directly conflicting statements from two Senators, the truth or falsity of which are incapable of objective demonstration. Further, with regard to Senator Lolley the committee is unable to state the true intent of the statements attributed to Senator Lolley if, in fact, such statements were made by him.

So far as appears no one other than Senator McCarley and Senator Lolley were present at the times suspicious statements were attributed to Senator Lolley so as to confirm or deny that such statements were in fact made. Therefore, the question of whether or not any such statements were made and, if they were, the true intendment of such statements rest within the absolute knowledge of one or both of the two Senators and beyond the power of this committee to determine.

SPECIAL FINDINGS

1. The committee finds with respect to the subject matter of this inquiry that based upon all of the testimony there is absolutely no shadow of suspicion on any member of the Insurance Committee or any other member of the Senate except as may be set forth in this report.

2. The testimony taken in this inquiry was preserved and is in the process of being transcribed. Upon the completion of such transcription the testimony will be delivered to the Secretary of the Senate

to be held by him subject to such directives as the Senate may issue with respect thereto.

Respectfully submitted,

BOB HARRIS
Chairman
JAMES S. CLARK
Vice-Chairman
STEWART O'BANNON, JR.
MYLAN R. ENGEL
E. W. SKIDMORE
J. J. PIERCE
GEO. LEWIS BAILES, JR.

RECESS

At 12:20 A.M., Mr. Harris moved that the Senate take a recess until 2 o'clock this afternoon. Mr. Turner moved as a substitute motion that the Senate take a recess until 12 o'clock Noon, which motion was lost.

Yeas 10; Nays 23.

Yeas:

Messrs.:	Goodwyn	Nabors	Torbert	
Branyon	Jackson	Oden	Turner	
Cooper	Lolley	Stone		—10

Nays:

Messrs.:	Dominick	Harris	O'Bannon	
Albea	Engel	Hawkins	Pelham	
Bailes	Folsom	Leonard	Pierce	
Carr	Giles	Lindsey	Radney	
Childs	Gilmore	McDermott	Skidmore	
Clark	Givhan	Morrow	Vacca	
				—23

The question recurred on the motion of Mr. Harris, and at 12:25 A.M., the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION

THIRTY-THIRD LEGISLATIVE DAY

WEDNESDAY, AUGUST 20, 1969

The Senate re-assembled at 2 o'clock this afternoon, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Givhan	McDermott	Stone	
Childs	Goodwyn	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—33

RESOLUTION

Mr. Skidmore offered the following Senate Joint Resolution, to-wit:

S. J. R. 93. WHEREAS The Honorable Snow Hinton has been chosen by the people of the City of Tuscaloosa to serve as their mayor for the ensuing term; and

WHEREAS this body feels that the people of Tuscaloosa have chosen wisely and well, and have an able and dedicated leader in these troubled times; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our heartiest congratulations to Mayor Hinton, and express our hope that his administration will be the greatest in the long and colorful history of the City of Tuscaloosa.

On motion of Mr. Skidmore, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 892. To authorize Alabama Public School and College Authority, a public corporation, to sell and issue additional bonds for the purpose of constructing and equipping capital improvements at state educational institutions where the board of directors of the Authority, with the approval of the Governor, shall determine that such capital improvements can be most advantageously located; to provide for the details of the said bonds and for the sale thereof; to make appropriation and pledge of funds for payment of the principal of and interest on the said bonds and authorize the Authority to pledge for payment of the said principal and interest the funds so appropriated and pledged herein; to provide that the said bonds shall be limited obligations of the Authority payable solely from the funds so appropriated and pledged and shall not create an obligation or debt of the state; to provide that the said bonds and the income therefrom shall be exempt from taxation and the said bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the refunding of such bonds by the issuance of refunding bonds; to adopt with respect to the said bonds certain provisions of Act No. 243 adopted at the 1965 Special Session of the Legislature of Alabama; and to specify certain other provisions respecting the said bonds.

and pending amendment offered by Mr. Pelham, which said amendment is set out at length in the Journal of the Senate for the Thirtieth Legislative Day and which reads as follows:

AMENDMENT TO H. B. 892

In Section 2 at the end thereof and as a part of such section insert the following: Out of the proceeds of the bonds issued pursuant to this section, the Alabama Public School and College Authority is further authorized to use a portion of said proceeds for the purpose of planning, constructing, and equipping a medical school at the University of South Alabama.

was taken up.

Mr. Skidmore offered the following amendment to the Pelham amendment to the Bill, H. B. 892, to-wit:

AMENDMENT TO H. B. 892

Amend Pelham amendment by striking therefrom the words 'constructing, and equipping".

And further amend Pelham amendment by adding after the words "University of South Alabama" the words ", and any other state institution."

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 117. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Engel, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 117, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SENATE BILL 117

Amend S. B. 117 by deleting the first line of Section 1, (b) and adding the following in lieu thereof:

"Section 1 (b) Who has served for 16 years or more as such official."

Yeas 29; Nays 1.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Folsom	McCarley	Radney	
Albea	Givhan	McDermott	Skidmore	
Bailes	Goodwyn	Morrow	Stone	
Carr	Harris	Nabors	Torbert	
Childs	Hawkins	O'Bannon	Turner	
Clark	Jackson	Oden	Vacca	
Cooper	Lindsey			—29

Nay: Mr. Dominick —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lyons, Nettles, Marr, Perloff, Collins (W), Melton, Edington, Lybrand, Collins (C), Watkins, Downing and Doss:

H. 1171. To prescribe the hours of work and holidays for state troopers, officers and members of the Alabama State Highway Patrol.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1171. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Wright, Fite, Grainger, Bank, Malone, Owens (W.E.), Holladay, Beck and Meade:

H. 1296. To authorize Alabama Trade School and Junior College Authority to sell and issue additional bonds for the construction, reconstruction, improvement, alteration, or equipping of junior colleges and trade schools; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely from the revenues of said Authority; to authorize said Authority to pledge for payment of the principal of and interest on said bonds the funds that are appropriated and pledged in this Act for that purpose; to provide that said bonds shall constitute negotiable securities even though payable from a limited source; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of trust funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to direct the State Treasurer to pay the principal of and interest on said bonds out of the funds so appropriated and pledged; to provide that any portion of this Act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1296. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bank, Brown, Culver, Robertson and Hobbie:

H. 875. To amend Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), an act regulating the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census and creating a State Board of Cosmetology, so as to regulate further the employment of apprentices.

By Messrs. Bank, Culver, Lybrand, Grayson, McCorquodale and Owens (W.E.):

H. 201. Relating to public health; requiring food handlers to have health certificates, prohibiting the employment of persons having infectious or contagious diseases as food handlers; requiring county health officers in each county to administer this act, and granting certain authority to county boards of health; prescribing penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 875. To the Committee on Public Buildings and Grounds.

H. B. 201. To the Committee on Public Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith:

H. 336. Relating to the purchase of livestock; making it a misdemeanor for any person to buy or offer to buy livestock on any public street, road or highway within two thousand five hundred (2,500) feet of a public livestock market and to provide for enforcement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 336. To the Committee on Agriculture.

FURTHER CONSIDERATION OF H. B. 892

The Senate proceeded to further consideration of the Bill, H. B. 892. The question was on the amendment offered by Mr. Skidmore to the Pelham amendment.

On motion of Mr. Pelham, said amendment was laid on the table.

Yeas 18; Nays 13.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Clark	Givhan	McDermott	Stone	
Cooper	Goodwyn	O'Bannon	Turner	
Engel	Jackson	Oden		—18

Nays:

Messrs.:	Carr	Harris	Nabors	
Albea	Childs	Hawkins	Skidmore	
Bailes	Dominick	Morrow	Vacca	
Branyon	Gilmore			—13

The question then recurred on the amendment offered by Mr. Pelham, and said amendment was then adopted.

Yeas 18; Nays 13.

Yeas:

Messrs.:	Folsom	Lindsey	Pelham	
Adams	Giles	Lolley	Pierce	
Clark	Givhan	McDermott	Stone	
Cooper	Goodwyn	O'Bannon	Turner	
Engel	Jackson	Oden		—18

Nays:

Messrs.:	Carr	Harris	Nabors	
Albea	Childs	Hawkins	Skidmore	
Bailes	Dominick	Morrow	Vacca	
Branyon	Gilmore			—13

BILLS ON THIRD READING RESUMED

The Bill:

S. 894. To amend Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, in order to provide further for places in which such beverages may be sold, to authorize and provide for the use of stamps, crowns or decals to evidence payment of the tax levied by said Act, and to provide further for the enforcement of the Act and prescribe additional penalties for violations of the Act.

was taken up.

Mr. Leonard offered the following substitute for the Bill, S. B. 894, to-wit:

SUBSTITUTE FOR S. B. 894

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, in order to provide further for places in which such beverages may be sold, to regulate further the rate of such tax, to authorize and provide for the use of stamps, crowns or decals to evidence payment of the tax levied by said Act, and to provide further for the enforcement of the Act and for the distribution and use of the proceeds thereof, and to prescribe additional penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 8, 9, 11, 13, and 14 of Act No. 263 S. 410, Regular Session 1967 (Acts of 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, are hereby amended to read as follows:

"Section 3. It shall be unlawful for any person, firm, or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any county in which this Act applies except within the corporate limits and police jurisdiction of incorporated municipalities in said counties having a population of not less than 600 inhabitants according to the last or any subsequent federal decennial census; except in private clubs, as defined in Section 2 of this Act, and such private clubs may be located outside the corporate limits and police jurisdiction of municipalities."

"Section 8. It shall be unlawful for any malt or brewed beverages to be sold except in package from within the city limits or within the police jurisdiction of incorporated areas with a population of 600 or more persons or in private clubs located outside such city limits and police jurisdiction."

"Section 9. In addition to all other taxes and licenses now imposed by law, there is hereby levied a privilege or license tax on all persons, firms, and corporations, selling, distributing, or delivering to retailers within counties governed by this Act any malt or brewed beverage (including beer, lager beers, ale, porter, or similar fermented malt liquors containing one-half of one percent or more of alcohol by volume) which tax shall be in an amount equal to three cents ($.03) on each twelve (12) fluid ounces or fractional part thereof sold or distributed within the corporate limits of any municipality in such county; in an amount equal to four cents ($.04) on each 12 fluid ounces or fractional part thereof sold or distributed outside the corporate limits but within the police jurisdiction of any such municipality; and in an amount equal to five cents ($.05) on each 12 fluid ounces or fractional part thereof sold or distributed within the county and outside the police jurisdiction of any such municipality. The payment of such tax shall be evidenced by stamps, crowns, or decals affixed to each bottle, can or other container thereof and cancelled in the manner prescribed by the county governing body. The county governing body shall provide such stamps, crowns or decals to evidence payment of the tax levied under this section and for the distribution thereof to the dealers and other sellers of malt or brewed beverages.

"After the county governing body procures stamps, crowns or decals to evidence payment of the tax hereby levied, it shall be unlawful to sell any malt or brewed beverages in such county unless stamps, crowns or decals, evidencing the payment of the county tax are affixed. If any person possesses more than five cases of such unstamped malt or brewed beverages, a presumption shall arise that such beverages are held for resale and such beverages may be confiscated in the same manner that beverage not bearing the proper Alabama tax stamps are confiscated."

"Section 11. The tax levied by this Act shall be paid to the probate judge of the county who shall distribute two cents ($.02) of the proceeds from such license tax on each 12 fluid ounces, or fraction thereof, of malt or brewed beverages to the county board of education. The county board of education shall divide the funds with the city board of education within the county pro rata in the same manner as the public school funds from the State are apportioned in said county under the Minimum Program Fund Law. The probate judge shall distribute one cent ($.01) of such license tax on each 12 fluid ounces, or fraction thereof, of malt or brewed beverages to the general fund of the county, to be used for general county purposes; and the remainder of the proceeds of the tax on malt or brewed beverages shall be paid into the county general fund and used exclusively for garbage or trash collection and other sanitation services. All other license taxes levied by this Act shall be distributed to the general fund of the county.

"Section 13. The county governing body of the county may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this Act. Each municipality within the county shall provide aid and assistance in enforcing the tax herein authorized within its territory. The county governing body may employ a person or persons and fix, prescribe and provide for the payment of their salaries and expenses out of funds derived from the tax hereby levied and paid into the general fund of the county, or from such other funds as the county governing body prescribes, to act as inspectors and otherwise to assist in the enforcement of the provisions of this Act. Such inspectors shall have the same powers relative to enforcement of the tax hereby levied that law enforcement officers employed by the Alabama Alcoholic Beverage Control Board have relative to enforcing the state tax on spirituous liquors and on malt and brewed beverages. Any municipality in any county in which a tax is levied under this Act may also employ a special alcoholic beverage law enforcement officer for such municipality whose chief duty shall be the enforcement of this Act. It shall also be the duty of agents of the Alabama Alcoholic Beverage Control Board and of the sheriff of the county and his deputies to enforce the provisions of this Act."

"Section 14. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the tax collector of the county shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

"Any person who owns or operates a retail establishment, but is not licensed by the Altbama Alcoholic Beverage Control Board to sell beer who has in his possession in such retail establishment any beer or other malt or brewed beverages, regardless of the quantity thereof, shall be punished in the manner prescribed for punishing violators of the prohibition law in dry counties; and in addition thereto the beverages so possessed shall be confiscated."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains .

Section 3. This Act shall beome effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Branyon	Folsom	Leonard	Pelham	
Carr	Giles	McDermott	Pierce	
Childs	Gilmore	Morrow	Torbert	
Clark	Givhan	Nabors	Turner	
Cooper	Goodwyn	O'Bannon	Vacca	
Dominick	Harris			—25

Nays: —0

And said Bill, S. B. 894, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Branyon	Folsom	Leonard	Pelham	
Carr	Giles	McDermott	Pierce	
Childs	Gilmore	Morrow	Torbert	
Clark	Givhan	Nabors	Turner	
Cooper	Goodwyn	O'Bannon	Vacca	
Dominick	Harris			—25

Nays: —0

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

By Mr. Dominick

NOTICE is hereby given in accordance with Senate Rule 33 that on the next legislative day, a motion will be made to amend Senate Rule 47 to read as follows:

Rule 47. There shall be eight standing committees on the following subjects:

1. Rules
2. Finance
3. Judiciary
4. Commerce and Labor
5. Education, Health and Welfare
6. State and Local Government
7. Local Legislation No. 1
8. Local Legislation No. 2

All local bills and general bills of local application relating to Jefferson County shall be referred to Local Legislation No. 2, which shall contain only members from Jefferson County.

No standing committee shall have more than fourteen members. Each member of the Senate shall be appointed to serve on not less than two nor more than three of the standing committees, exclusive of Local Legislation No. 1 and Local Legislation No. 2.

The effective date of this rule change shall be January 1, 1971.

Which was read and ordered spread upon the Journal.

FURTHER CONSIDERATION OF H. B. 892

The Senate proceeded to further consideration of the Bill, H. B. 892, as amended.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from the Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

The appointment of Honorable Robert E. Steiner, III, as a member of the Board of Trustees of the Department of Archives and History.

On motion of Mr. Pierce, the appointment of Mr. Steiner was then confirmed by the Senate.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Childs	Goodwyn	Nabors
Adams	Cooper	Harris	O'Bannon
Albea	Engel	Leonard	Pierce
Bailes	Giles	Lindsey	Skidmore
Branyon	Gilmore	Lolley	Stone
Carr	Givhan	McDermott	Turner

—23

Nay: Mr. Oden —1

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from the Governor and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Walter B. Lawson, as a member of the Tuscaloosa City Civil Service Board.

On motion of Mr. Skidmore, the appointment of Mr. Lawson was then confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	O'Bannon
Adams	Giles	Leonard	Oden
Albea	Gilmore	Lindsey	Pierce
Bailes	Givhan	Lolley	Skidmore
Branyon	Goodwyn	McDermott	Stone
Carr	Harris	Nabors	Turner
Cooper			

—24

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from the Governor and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Kenneth W. Underwood, Jr. as a member of the Board of Appeals for the Department of Industrial Relations.

On motion of Mr. Pierce, the appointment of Mr. Underwood was then confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Adams	Engel	Leonard	Pierce	
Albea	Giles	Lindsey	Skidmore	
Bailes	Gilmore	Lolley	Stone	
Branyon	Givhan	McDermott	Turner	
Carr	Goodwyn	Nabors	Vacca	
Childs	Hawkins	O'Bannon		—26

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from the Governor and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable James H. Crow, Jr. and Honorable George F. (Bubber) Bailey as members of the Advisory Board of Conservation.

On motion of Mr. Harris, the appointment of Mr. Crow was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	O'Bannon	
Adams	Giles	Leonard	Oden	
Albea	Gilmore	Lindsey	Pierce	
Bailes	Givhan	Lolley	Skidmore	
Branyon	Goodwyn	McDermott	Stone	
Carr	Harris	Nabors	Vacca	
Childs	Hawkins			—25

Nays: —0

On motion of Mr. Pierce, the appointment of Mr. Bailey was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Leonard	Oden	
Adams	Giles	Lindsey	Pierce	
Albea	Gilmore	Lolley	Skidmore	
Bailes	Givhan	McDermott	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Carr	Harris	O'Bannon	Vacca	
Childs	Hawkins			—25

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from the Governor and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Ealon M. Lambert as Chairman of the State Board of Pardons and Paroles.

On motion of Mr. Engel, the appointment of Mr. Lambert was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Harris	Nabors	
Adams	Engel	Hawkins	Oden	
Albea	Giles	Jackson	Pierce	
Bailes	Gilmore	Leonard	Stone	
Branyon	Givhan	Lindsey	Turner	
Carr	Goodwyn	Lolley	Vacca	
Childs				—24

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee in Session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 124. Relative to posting signs on four-lane highways to regulate slow moving traffic.

On motion of Mr. Givhan, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pennington:

H. 1427. To amend further Code of Alabama 1940, Title 39, Section 184, as amended in order to allow state banks to close for additional holidays, and to authorize the closing of such banks on the Saturday following a holiday which falls on a Friday.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1427. To the Committee on Banking.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lyons, Bank, Burgess, McLain, Jackson (T) and Pruitt:

H. 1321. To amend Sections 107 and 176, Title 17 and Section 34(39), 34(50), 34(92) and 34(103) Title 37, Code of Alabama 1940, as amended; to provide a uniform procedure for the assistance of voters in all elections, and repealing conflicting sections.

Also:

By Messrs. Lyons, Bank, Burgess, McLain, Jackson (T) and Pruitt:

H. 1323. To provide for the resumption of the use of literacy tests as a qualification for voting as required by the state Constitution consistent with any federal law, orders, plan or court ruling under which tests may be resumed; to provide assistance to boards of registrars in conducting such tests and operating under such plan; and to provide for enforcement of applicable laws.

Also:

By Mr. Blanton:

H. 48. To provide for casting of absentee ballots in primary, general, special and municipal elections; to define who is eligible to cast such ballots; to provide for application for, casting, counting and preserving of such ballots; to provide for compensation of officials charged with duties in connection therewith; to prescribe penalties for violation of the article; and to repeal all laws relating to the casting of absentee ballots including Act No. 424, 1949, Regular Session, page 601; Act No. 655, 1959, Regular Session, page 1585; Act No. 77, Extra Session, 1961, page 1954; Act No. 74, Extra Session, 1961, page 2134; Act No. 183, First Extra Session, 1964, page 250; Act No. 795, Regular Session, 1965, page 1494; Act No. 54, First Extra Session, 1965; pages 72; Act No. 117, Second Extra Session, 1965, page 159; Act No. 176, Extra Session, 1967, which acts include all those sections now in Article 4A, Title 17, Code of Alabama, 1940, as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1321, 1323 and 48. To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Tuck, Manley, Stubbs and Pruitt:

H. 1444. To amend Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county," so as to prescribe certain limitations on the levying of such taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1444. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hain, Cook (Coffee), Brannon and Blanton:

H. 846. To create a State Land Survey Authority; to provide for its membership; to provide for the travel and other expenses of the members of the Authority; to provide for a chairman for the Authority and to provide time for meetings of the Authority; to provide for the functions and duties of the Authority; to provide for a Chief State Land Surveyor and to provide for the acquisition by the Authority of lands or interest therein; to provide for public land survey corners and to make it a misdemeanor to destroy same; to provide for extension of a triangulation and levelling net of precision; to authorize the State Attorney General to represent the Authority; to provide for a location of the headquarters of the Authority; to give certain personnel of the Authority the right to enter upon private property for certain purposes and to provide for payment for any damages that might be incurred while on said property, and to provide that said personnel shall be immune from arrests for trespassing in performing their legal duty on said property; to provide for the furnishing of certain information to the Authority or the Chief Land Surveyor by certain public officials; to provide for the furnishing of records to other public agencies and to provide for the admission for certain records of the Authority in court proceedings; to provide that certain employees be registered land surveyors and providing that no employee of the Authority shall engage in private land surveying or consultation; to grant the Authority the right to produce and sell maps and other data and providing for the deposit of such funds; to grant to the Authority power to enter into contracts; to provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer and to provide for the disposition of such funds by the State Treasurer, and further providing that all funds paid out by the Treasurer shall be budgeted and alloted; and further providing that any funds in the State Land Survey Fund in excess of one hundred thousand dollars ($100,000.00) at the end of any state fiscal year shall be transferred into the General Fund of the State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 846. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cameron:

H. 1530. Relating to cities having a population of not less than 100,000 nor more than 200,000 according to the last federal decennial census; providing for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in such cities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1530. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING

The Bill:

H. 1095. Relating to the office of the sheriff of Colbert County, creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Giles	Leonard	O'Bannon	
Branyon	Gilmore	Lindsey	Skidmore	
Carr	Givhan	Lolley	Stone	
Childs	Goodwyn	McCarley	Torbert	
Clark	Harris	McDermott	Turner	
Cooper	Hawkins	Morrow	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1018. Relating to judicial circuits composed of one county which county has a population of not less than 47,000 and not more than 49,000 and which county has two courthouses; authorizing the district attorney of such circuit to appoint a secretarial assistant; to prescribe the powers, duties and compensation of such assistant; and to provide for the payment of his compensation out of the general fund of the county composing such circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Stone	
Bailes	Giles	Nabors	Torbert	
Branyon	Gilmore	O'Bannon	Turner	
Carr	Givhan	Oden	Vacca	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 949. Relating to counties having populations of not less than 47,000 nor more than 49,000; authorizing the county governing body to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Radney	
Adams	Engel	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Bailes	Goodwyn	Nabors	Torbert	
Branyon	Harris	O'Bannon	Turner	
Carr	Hawkins	Oden	Vacca	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 1137. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951, (General Acts of Alabama 1951, page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 1137, to-wit:

SUBSTITUTE FOR H. B. 1137

A BILL
TO BE ENTITLED
AN ACT

TO FURTHER AMEND ACT NUMBER 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, AP-

PROVED SEPTEMBER 12, 1951 (GENERAL ACTS OF ALABAMA 1951, PAGE 1579, ET SEQ.) ENTITLED: "AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM", SO AS TO MAKE THE PROVISIONS OF SUCH SYSTEM APPLICABLE ON AND AFTER SEPTEMBER 1, 1969 TO CLASSIFIED SERVICE EMPLOYEES OF THE CIVIL DEFENSE AGENCY WHOSE TERRITORIAL JURISDICTION OR RESPONSIBILITIES INCLUDE THE TERRITORY OF ANY SUCH CITY, AND ALSO APPLICABLE TO CERTAIN EMPLOYEES OF A CIVIC CENTER AUTHORITY.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Title of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama, 1951, page 1579, et seq.), be and said Title is hereby amended to read as follows:

"AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM; TO MAKE THE PROVISIONS OF SUCH SYSTEM APPLICABLE ON AND AFTER SEPTEMBER 1, 1969 TO CLASSIFIED SERVICE EMPLOYEES OF THE CIVIL DEFENSE AGENCY WHOSE TERRITORIAL JURISDICTION OR RESPONSIBILITIES INCLUDE THE TERRITORY OF ANY SUCH CITY, AND TO PROVIDE MEMBERSHIP IN THE SYSTEM FOR CERTAIN EMPLOYEES OF A CIVIC CENTER AUTHORITY IN ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED."

Section 2. That Section 26 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.), be and said section is hereby amended to read as follows:

"Section 26. (a) Board of Health Employees. For the purpose of application of the terms of the system, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and the next succeeding section, the Board of Health shall be deemed constructively a subsidiary board or department of the City during said Health Board's past, present and future existence, and employees thereof shall be deemed constructively employees of the City during all

their time in the service of said Board of Health, whether past, present or future, and the retrospective and prospective terms of the system shall be retrospectively and prospectively applied to such constructive employees as fully and restrictively, and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future, and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future. For the purpose of application of the terms of the system, such constructive employees of the City shall be deemed as in the classified service of the City during such period or periods, whether past, present or future, as they may be or may have been subject to the same civil service system as that to which employees of the City may be or may have been contemporaneously subject, and shall be governed accordingly by the retrospective and prospective provisions of the system, including specifically Sections 5, 7 and 8 of the system. Provided that any such constructive employee who may or may have become an employee member after date of establishment by virtue of Section 5 of the system shall be entitled to count as creditable time his prior service time as well as his paid membership time. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants, that one which first entered such population class shall be deemed the city referred to in this and the next succeeding section.

(b) Employee members entering the employ of Civic Center Authority. This subsection (b) shall apply only if there is in the City a civic center authority provided for by Act No. 547 of the Regular Session of the Legislature of Alabama of 1965 (Alabama Acts 1965, page 797). As herein used, the term "Civic Center" means such Authority.

This subsection (b) is adopted because the Legislature recognizes the following: (1) that the facilities and operations of Civic Center will be similar to and related to some of the facilities and operations of the City; (2) that it may be in the public interest for employee members especially qualified by training and experience to transfer from the employ of the City to the employ of Civic Center; and (5) it is desirable to provide for the preservation of the pension rights of the employee members entering the employ of Civic Center.

For the purpose of the application of the terms of the system to the extent herein provided, and for that purpose only, and except as may be otherwise or differently provided herein, the employment by Civic Center of employee members shall be deemed constructively employment by the City during all of their time in the service of Civic Center after the adoption of this subsection (b), with like effect as though said employee members, while working for Civic Center, were actually working as employees of the City, subject to this pension system; provided, however, that this subsection (b) shall not apply unless all of the conditions hereinbelow specified are met.

This subsection (b) shall not apply to any employee member unless within thirty (30) days after he leaves the service of the City he is employed by Civic Center on a salary payable at regular specified intervals; any person employed by Civic Center on a part time basis before he leaves, or when he leaves, the service of the City, shall be within the scope of the next foregoing sentence, if he continues in the employ of Civic Center.

This subsection (b) shall not apply unless the employee member leaves in the system fund the contributions made by him to the fund.

This subsection (b) shall not apply unless, within the time below stated, Civic Center gives written notice to the Board of Managers that

Civic Center elects for this said subsection (b) of this Section 26 of this Act to apply to the employment of said employee member by Civic Center. This subsection (b) shall not apply unless the Board of Managers receives such notice within forty-five (45) days of the employee member's leaving the service of the City; provided, however, that the said Board may in its discretion accept and treat as binding such notice received after that time, if the Board finds that delay in forwarding the notice was justified.

After giving any such notice, it shall be the duty of Civic Center to make or cause to be made and paid into the pension fund deductions from the salary of its employee who is the subject of such notice, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of Civic Center to make matching contributions to the fund from its own funds in respect to any employee who is the subject of any such notice, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of Civic Center to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the system.

After the Board of Managers receives the said certificate from Civic Center, the election made by Civic Center for this subsection (b) to apply to the employee member named in the certificate shall be irrevocable.

(c) Civil Defense Employees. For the purpose of application of the terms of the system, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and the next succeeding section, on and after September 1, 1969 the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of the City shall be deemed constructively a subsidiary board or department of the City during said Civil Defense Agency's subsequent existence, and employees thereof in the classified service shall be deemed constructively employees of the City during all their time in the service of said Civil Defense Agency subsequent to September 1, 1969, and thereafter the terms of the system shall be prospectively applied to such constructive employees as fully and restrictively, and with like effect, as though said Civil Defense Agency were actually such subsidiary board or department and as though employees thereof in the classified service were actually employees of the City at all times while in the service of said Civil Defense Agency subsequent to September 1, 1969. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants, that one which first entered such population class shall be deemed the City referred to in this and the next succeeding section."

Section 3. That Section 27 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.), be and said section is hereby amended to read as follows:

"Section 27. (a) After July 1, 1945, it shall be the duty of the Board of Health, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to make matching contributions to the fund from its own funds in respect of

its employees who are employee members, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the city comptroller and the custodian in the administration of the system, and, thereinabout, to make available to them all such records and information pertaining to employees of the Board of Health as they or either of them may request for the purpose of administration of the system.

(b) After September 1, 1969 it shall be the duty of said Civil Defense Agency, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency, as such independent agency, to make matching contributions to the fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency, as such independent agency, to fully cooperate with the board of managers, the city comptroller and the custodian in the administration of the system, and, thereinabout, to make available to them all such records and information pertaining to employees of Civil Defense as they or either of them may request for the purpose of administration of the system."

Section 4. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Adams	Engel	Lindsey	Pelham	
Bailes	Folsom	Lolley	Pierce	
Carr	Giles	Morrow	Radney	
Childs	Gilmore	Nabors	Skidmore	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25
Nays:				—0

And said Bill, H. B. 1137, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Oden	
Adams	Engel	Lindsey	Pelham	
Bailes	Folsom	Lolley	Pierce	
Carr	Giles	Morrow	Radney	
Childs	Gilmore	Nabors	Skidmore	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25
Nays:				—0

The Bill:

H. 35. Relating to counties having populations of not less than 46,500 nor more than 48,000; to authorize certain cities within such counties to consolidate; to prescribe the method of consolidation; to provide that the city created from such consolidation shall succeed to the powers, obligations, duties and rights of cities consolidated therein; to provide for a referendum election to determine if this act shall become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	O'Bannon	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1204. Relating to counties having populations of not less than 46,500 nor more than 48,000 to provide protection to recipients of old age assistance; requiring such recipients to receive counseling before entering into certain financial agreements.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Radney	
Adams	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Pelham	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 858. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; providing for participation of school lunchroom managers and assistants to such managers who are employed by the county board of education or a city board of education in such county in the Employees' Retirement System of Alabama; requiring the employing board of education to take such action as is required to bring such lunchroom managers and their assistants under the retirement system in the manner prescribed in Section 12 of Act No. 515, H. 93, of the Regular Session of 1945, as amended; and directing the county governing body to appropriate and pay out of county funds to the county board of education or a city board of education, as the case may be, the amounts needed to pay the employer's contributions to the retirement system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Giles	Lolley	Radney	
Bailes	Gilmore	McCarley	Skidmore	
Branyon	Goodwyn	McDermott	Stone	
Carr	Hawkins	Oden	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1328. Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; to exempt art guilds and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain prescribed conditions; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McCarley	Pierce	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Gilmore	Nabors	Torbert	
Clark	Goodwyn	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1405. To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pierce	
Adams	Folsom	Lindsey	Skidmore	
Albea	Giles	Lolley	Stone	
Bailes	Gilmore	McCarley	Torbert	
Branyon	Goodwyn	McDermott	Turner	
Carr	Hawkins	Morrow	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1349. Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Branyon	Folsom	Lolley	Radney	
Carr	Giles	Nabors	Skidmore	
Childs	Gilmore	O'Bannon	Stone	
Clark	Givhan	Oden	Torbert	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1352. Relating to counties having a population of not less than 16,300 and not more than 17,300 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	McCarley	Stone	
Branyon	Gilmore	McDermott	Turner	
Carr	Givhan	Morrow	Vacca	
Childs	Goodwyn			—25

Nays: —0

The Bill:

S. 896. Relating to counties having populations of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census; providing further for the handling and use of the proceeds of gasoline excise taxes heretofore levied by the county governing bodies in any such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Givhan	Jackson
Branyon	Cooper	Goodwyn	Lolley
Carr	Dominick	Harris	McCarley
Childs	Gilmore	Hawkins	McDermott

Morrow	Oden	Radney	Turner	
Nabors	Pelham	Stone	Vacca	
O'Bannon	Pierce			—25

Nays: —0

The Bill:

H. 1363. Relating to Franklin County; to regulate the compensation of members of the county board of registrars and to provide for payment of additional compensation from the county treasury.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Turner	
Carr	Goodwyn	Nabors	Vacca	
Childs	Leonard			—25

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Oden, further consideration of the Bill, S. B. 187, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1364. Relating to Franklin County; to regulate and provide for the payment of compensation of election officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Oden	Turner	
Carr	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1082. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq.), which established a policemen's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Leonard	Oden	
Adams	Giles	Lindsey	Pierce	
Bailes	Gilmore	Lolley	Radney	
Carr	Givhan	Morrow	Skidmore	
Childs	Goodwyn	Nabors	Stone	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25
Nays:				—0

The Bill:

H. 1365. Relating to Franklin County; to provide additional expense allowances for members of the county board of education.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Radney	
Branyon	Folsom	McDermott	Skidmore	
Carr	Giles	Morrow	Stone	
Childs	Harris	Nabors	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1366. Relating to Franklin County; to provide a county supplement to the per diem compensation of members of the county board of equalization.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Givhan	Lolley	Radney	
Albea	Goodwyn	Nabors	Skidmore	
Bailes	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Torbert	
Cooper	Jackson	Pelham	Turner	
Dominick	Leonard			—25
Nays:				—0

The Bill:

H. 1367. Relating to Franklin County; to regulate the compensation of jurors.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 1360. Relating to Franklin County; to fix the compensation of members of the jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	McCarley	Radney	
Bailes	Gilmore	McDermott	Skidmore	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Leonard			—25

Nays: —0

The Bill:

S. 897. Relating to counties having populations of not less than 46,500 nor more than 48,000, according to the most recent federal decennial census; and to fix the compensation of the solicitor of the law and equity courts in such counties; to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Radney	
Branyon	Givhan	Lolley	Skidmore	
Carr	Goodwyn	McCarley	Stone	
Childs	Harris	McDermott	Torbert	
Clark	Hawkins	Morrow	Turner	
Cooper	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1419. To provide a method for issuing motor vehicle license tags by mail in counties having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census by any Judge of Probate or License Commissioner charged with the duty of issuing such license tag.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

H. 1420. Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Givhan	McCarley	Radney	
Branyon	Harris	Nabors	Skidmore	
Carr	Hawkins	O'Bannon	Stone	
Childs	Jackson			—25
Nays:				—0

The Bill:

H. 1347. Relating to counties having populations of not less than 14,300 nor more than 14,800, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Stone	
Bailes	Givhan	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25
Nays:				—0

The Bill:

H. 1035. To alter or rearrange the boundary lines of the City of Northport, Tuscaloosa County, Alabama, so as to include within the

corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Tuscaloosa County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pelham	
Adams	Folsom	Lolley	Pierce	
Albea	Giles	Morrow	Skidmore	
Bailes	Gilmore	Nabors	Torbert	
Branyon	Givhan	O'Bannon	Turner	
Carr	Jackson	Oden	Vacca	
Childs	Leonard			—25

Nays: —0

The Bill:

H. 1348. Relating to counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Engel	McDermott	Skidmore	
Albea	Folsom	Morrow	Stone	
Branyon	Giles	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1336. Relating to counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; providing further for the distribution of fines from convictions in certain cases of traffic violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Branyon	Folsom	Leonard	Pelham	
Carr	Giles	McDermott	Pierce	
Childs	Gilmore	Morrow	Radney	
Clark	Givhan	Nabors	Skidmore	
Cooper	Goodwyn	O'Bannon	Stone	
Dominick	Harris			—25

Nays: —0

The Bill:

H. 1358. To divide Houston County into four commissioners' districts for the purpose of electing the members of the county governing body; and to provide for the nomination and election of one member of such body from each district by the qualified electors of the district at the general election in 1970 and every four years thereafter.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Carr	Giles	McCarley	Skidmore	
Childs	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Torbert	
Cooper	Jackson	Pelham	Turner	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1359. To abolish the Board of Revenue for Houston County, created by Act No. 599, H. 898, of the Regular Session of 1949, and to relieve the judge of probate of Houston County of his duties, powers, and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and the chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pierce	
Adams	Givhan	Lolley	Radney	
Carr	Goodwyn	Nabors	Skidmore	
Childs	Harris	O'Bannon	Stone	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1346. Relating to counties having a population of not less than 25,400 and not more than 25,500 and establishing the procedure for the selection of a depository of the funds of the Board of Education of any county to which this act applies and fixing the compensation for the members of the County Board of Education in any county to which this act applies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	McDermott	Pierce	
Albea	Folsom	Morrow	Radney	
Bailes	Giles	Nabors	Skidmore	
Carr	Gilmore	O'Bannon	Stone	
Clark	Givhan	Oden	Torbert	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1335. To establish a barber commission in counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; to define its duties and powers; and to authorize the county governing body to furnish such commission office space, fixtures and clerical assistance; to fix and provide for payment of the compensation of the commissioners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lolley	Pelham	
Albea	Giles	McDermott	Stone	
Bailes	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Harris	O'Bannon	Vacca	
Dominick	Hawkins			—25

Nays: —0

The Bill:

H. 1369. To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Branyon	Giles	McCarley	Skidmore	
Childs	Gilmore	McDermott	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1371. To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to

provide that their compensation shall be payable out of the county treasury.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Stone	
Branyon	Giles	McCarley	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1261. To provide expense allowances for the judge of the circuit court of the Twenty-Eighth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pelham	
Adams	Folsom	McDermott	Pierce	
Albea	Giles	Morrow	Radney	
Bailes	Gilmore	Nabors	Skidmore	
Branyon	Givhan	O'Bannon	Stone	
Carr	Goodwyn	Oden	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1368. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Radney	
Adams	Gilmore	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Branyon	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1370. Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal

decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars ($400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	Pierce	
Branyon	Giles	Morrow	Radney	
Childs	Gilmore	Nabors	Skidmore	
Clark	Givhan	O'Bannon	Torbert	
Cooper	Goodwyn	Oden	Turner	
Dominick	Harris	Pelham	Vacca	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 1372. To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Childs	Givhan	Morrow	Torbert	
Clark	Goodwyn	Pelham	Turner	
Cooper	Leonard			—25

Nays: —0

The Bill:

H. 1343. Relating to counties having populations of not less than 48,500 nor more than 49,500, to provide that the county governing bodies of such counties shall furnish necessary transportation for travel on official business for certain county officers.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Adams	Folsom	McCarley	Pelham	
Albea	Giles	McDermott	Pierce	
Childs	Gilmore	Morrow	Radney	
Clark	Givhan	Nabors	Skidmore	
Cooper	Goodwyn	O'Bannon	Stone	
Dominick	Harris			—25

Nays: —0

The Bill:

H. 1373. Relating to counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census; to fix the compensation of the chairman and each member of the board of equalization in such counties; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Skidmore	
Albea	Folsom	Lolley	Stone	
Branyon	Giles	Nabors	Torbert	
Childs	Gilmore	O'Bannon	Turner	
Clark	Givhan	Oden	Vacca	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1345. Relating to counties having populations of not less than 48,500 nor more than 49,500, authorizing the governing body of any such county to appropriate county funds to certain non-profit organizations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McCarley	Pelham	
Bailes	Givhan	McDermott	Pierce	
Branyon	Goodwyn	Morrow	Radney	
Carr	Harris	Nabors	Torbert	
Childs	Jackson	O'Bannon	Turner	
Clark	Lindsey	Oden	Vacca	
Giles	Lolley			—25

Nays: —0

The Bill:

H. 1263. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Oden	
Adams	Folsom	Lolley	Skidmore	
Albea	Giles	McDermott	Stone	
Bailes	Gilmore	Morrow	Torbert	
Branyon	Givhan	Nabors	Turner	
Carr	Jackson	O'Bannon	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1265. Applying only in counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census; providing for additional meetings of the governing bodies of such counties and for additional compensation and expense allowances for the members of said body, including the chairman.

was taken up.

Mr. Jackson offered the following amendment to the Bill, H. B. 1265, to-wit:

AMENDMENT TO H. B. 1265

Amend Section 2 of House Bill 1265, where the figure "$100" appears strike and insert in lieu thereof the figure "$150"; then delete the following in the same sentence:

"and $50 a month for salary".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Jackson	Oden	
Branyon	Folsom	McCarley	Skidmore	
Carr	Giles	McDermott	Stone	
Childs	Gilmore	Morrow	Torbert	
Clark	Givhan	Nabors	Turner	
Cooper	Goodwyn	O'Bannon	Vacca	
Dominick	Harris			—25

Nays: —0

And said Bill, H. B. 1265, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lolley	Pierce	
Adams	Folsom	Morrow	Radney	
Albea	Giles	Nabors	Stone	
Bailes	Gilmore	O'Bannon	Torbert	
Clark	Givhan	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1409. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama so as to annex certain territory to the city.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Skidmore	
Carr	Gilmore	O'Bannon	Stone	
Clark	Givhan	Oden	Torbert	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1377. Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Giles	Lindsey	Pierce	
Albea	Givhan	Lolley	Radney	
Bailes	Goodwyn	McCarley	Skidmore	
Branyon	Harris	McDermott	Turner	
Carr	Hawkins	Oden	Vacca	
Childs	Jackson			—25

Nays: —0

The Bill:

H. 1243. Relating to counties having a population of not less than 110,000 nor more than 160,000, prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Radney	
Adams	Giles	McDermott	Skidmore	
Albea	Givhan	Morrow	Stone	
Childs	Goodwyn	Nabors	Torbert	
Clark	Harris	O'Bannon	Turner	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1408. Proposing an amendment to the Constitution of Alabama authorizing the imposition of a trial tax or other charge on litigation in certain courts of Russell County, the proceeds to be used for establishing, maintaining and operating a public law library in such county.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Skidmore	
Branyon	Gilmore	O'Bannon	Stone	
Carr	Givhan	Oden	Torbert	
Clark	Goodwyn			—25

Nays: —0

The Bill:

H. 1333. To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Russell County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Nabors	Skidmore	
Branyon	Harris	O'Bannon	Stone	
Carr	Hawkins	Oden	Torbert	
Clark	Jackson			—25

Nays: —0

The Bill:

H. 273. To provide for the compensation to be paid circuit judges by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pierce	
Adams	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 471. To provide for the compensation to be paid circuit district attorneys by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

was taken up.

Mr. Bailes offered the following substitute for the Bill, H. B. 471, to-wit:

SUBSTITUTE FOR H. B. 471

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation to be paid the circuit district attorney by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. In judicial circuits composed of one county having a population of 600,000 or more according to the last or any subsequent federal decennial census, there shall be paid to the circuit district attorney of such circuits in addition to the compensation paid to such circuit district attorney by the State of Alabama, the sum of Four Thousand Five Hundred Dollars ($4,500.00) per annum which shall be paid in equal monthly or semi-monthly installments out of the general treasury of the county; provided, however, that if the said four thousand five hundred ($4,500.00) per annum when added to the salary paid to such district attorney by the State of Alabama does not produce a total annual salary of as much as twenty one thousand dollars ($21,000.00) per annum, then the amount that shall be paid per annum by such county to such district attorney, in addition to the compensation paid to him by the State of Alabama, shall be such an amount as will produce a total annual salary of twenty one thousand dollars ($21,000.00). The county supplement hereby provided to be paid to such circuit district attorney shall be in lieu of all county supplements heretofore payable to such circuit district attorney.

Section 2. This act shall become effective at the beginning of the next term of office of such circuit district attorneys.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Morrow
Adams	Engel	Leonard	Pelham
Bailes	Folsom	Lindsey	Pierce
Carr	Giles	Lolley	Radney
Childs	Gilmore	McCarley	Skidmore
Clark	Givhan	McDermott	Vacca
Cooper	Harris		

—25

Nays: —0

And said Bill, H. B. 471, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Morrow	
Adams	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Vacca	
Cooper	Harris			—25

Nays: —0

The Bill:

H. 679. To authorize the governing body of every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census to adopt and enforce ordinances designed to promote the orderly and safe movement of pedestrian and vehicular traffic on the public highways and roads in areas of the county not situated within the boundaries of any municipality; to authorize any such governing body to adopt and enforce ordinances prescribing speeds at which it shall be lawful and speeds at which it shall be unlawful to operate vehicles on such public highways and roads; to authorize any such governing body to adopt and enforce ordinances providing for the installation or maintenance of traffic signs, traffice signals, traffic lines, traffic lanes and other devices designed to regulate and control vehicular and pedestrian traffic on such public highways and roads, to authorize any such governing body to adopt and enforce ordinances containing regulations and prohibitions regarding the parking of vehicles on such public highways and roads; to provide that no such governing body shall have the authority to adopt any ordinances applying within the corporate limits of any municipality and that no ordinance adopted under this Act shall have any effect or force within the corporate limits of any municipality; to provide that no such governing body shall have the power to pass any ordinance inconsistent with any law of the State or with any ordinance of any municipality applying within the police jurisdiction thereof; to provide that if there is any such conflict, the State law or the municipal ordinance shall prevail over the ordinance adopted by the governing body of the county, insofar as there is any such conflict; to provide for the procedure by which the governing body shall adopt an ordinance under this Act; to provide that no ordinance adopted under this Act shall take effect until it has been published in a newspaper of general circulation in the County; to provide that all courts of the State shall take judicial notice of all ordinances adopted under this Act; to provide that the violation of any ordinance adopted under this Act shall constitute a misdemeanor and to provide the punishment to be imposed upon one convicted of any such violation; to provide that the fees and costs of court in cases involving the violation of any such ordinance shall be the same as the laws prescribe generally for misdemeanors in that court wherein the cases involving such violation arises; to repeal all laws or parts of laws in conflict with this Act to the extent of such conflict; and to provide when this Act shall become effective.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	McCarley			—25

Nays: —0

The Bill:

H. 820. To further amend Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125) as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as amended by Act No. 680 of the 1961 Regular Session approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and amendments thereto define and regulate the issuance of licenses to barbers, barger shops, barber colleges and other like business and establishes a barber commission in all counties of the State having a population of 400,000 or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 820, to-wit:

SUBSTITUTE FOR H. B. 820

A BILL
TO BE ENTITLED
AN ACT

To further amend Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125) as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as amended by Act No. 680 of the 1961 Regular Session approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and amendments thereto define and regulate the issuance of licenses to barbers, barber shops, barber colleges and other like business and establishes a barber commission in all counties of the State having a population of 400,000 or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125), as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as further amended by Act No. 680 of the 1961 Regular Session, approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and the amendments thereto define and regulate the issuance of licenses to barbers, barber shops, barber colleges and other like business and establishes a barber commission in all counties of the State having

a population of 400,000 persons or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations, be and the same hereby is amended to read as follows:

"Section 3. BARBER COMMISSION: There shall be a Barber Commission for the county consisting of three (3) members, herein at times referred to as "the Commission". The present members of said Commission having been previously appointed by the County Commission, shall serve for the duration of their term, but in the event of a vacancy existing at the time of taking effect of this Act or occurring in the future, said vacancy shall be filled, and all subsequent members of the Commission shall be selected or appointed in the manner provided in this Act for terms of three (3) years. The members of said Commission shall be nominated by the barbers licensed by the Commission and only those so licensed shall be eligible to vote for nominees for appointment to the Commission. The Commission, at all times, shall be composed of three (3) members, all of whom shall be licensed barbers, who have been so licensed by the Commission for a period of five (5) years prior to their appointment and be actively engaged as barbers at the time of their appointment. The Commission shall, sixty (60) days prior to the expiration of the term of any member of the Commission for such county, give notice in writing to the licensed barbers that there will be a vacancy on the date of the expiration of the term of the member whose term is about to expire; or if a vacancy be caused by any reason, other than the expiration of the term, the Commission shall, within thirty (30) days after such vacancy occurs, give notice to the licensed barbers of the existence of such vacancy. In either event, the licensed barbers will be requested to nominate two (2) licensed barbers to fill each vacancy. Nominations shall be made by petition signed by not less than twenty-five (25) licensed barbers, which said petitions may be in substantially the following form: "We, the undersigned licensed barbers do hereby nominate (insert name of person who is required to possess the qualifications herein provided at the time of such nomination for the barber vacancy) as a member of the County Barber Commission for the term of two (2) years beginning (insert beginning of term) and ending (insert ending of term), unless earlier terminated by death, resignation or removal." Each member of the Commission must be over the age of twenty-five (25) years and licensed by the Commission as a barber. All nominations are required to be filed with the Commission on or before twenty (20) days from the date fixed for mailing ballots for nomination of said members. Upon receipt of the nominations for the members and at the expiration of the time for filing such nominations, the Commission shall cause to be prepared official ballots which shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded to the licensed barbers entitled to vote. Only those barbers licensed at the time the vacancy occurs shall be entitled to vote for representatives. In addition to the ballot, the Commission shall provide and furnish to the Probate Judge of the County sufficient envelopes addressed to the Probate Judge of the County and properly stamped with United States postage to forward to each person eligible to vote in said election. The Commission shall also furnish the Probate Judge of the County with such verification as may be deemed advisable by the Probate Judge, a list of the names and addresses of all persons entitled to vote in said election. The Probate Judge shall then mail the ballots and return envelopes which shall be opened on a day designated by the Probate Judge in the notification to all persons eligible to participate in such election. On the day designated in the notification, the ballots shall be counted and tabulated by the Probate Judge of the County, who shall declare the two (2) persons receiving the highest and the second highest number of votes to be

nominees for such vacancy. If more than one vacancy exists at any time, there shall be nominated in the manner herein designated and elected two (2) members for each such vacancy. The names of the two (2) persons receiving the highest number of votes for each vacancy shall be certified by the Probate Judge to the Governor within seven (7) days following the tabulation of ballots. From the two (2) names submitted for each member vacancy to the Governor, he shall immediately appoint one (1) member to fill each such member vacancy on said Board. The Governor may remove a member of the Board upon proof of charges for inefficiency, incompetency, immorality, or professional misconduct. Appointees to the Board shall within ten (10) days after their appointment take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the Probate Judge of the county. The term of the members of said Commission shall be for two (2) years and until their successors are appointed and qualified. There shall be at no time more than two (2) commissioners residing or doing business in any one city, town or village of such county. A majority of the Commission shall constitute a quorum. The Barber Commission shall organize by selecting from its members a chairman, and may do all things necessary or convenient for the carrying into effect the provisions of this Act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of Twenty Dollars ($20.00) and not exceeding Four Dollars ($4.00) for expenses thereby incurred. The members of said commission shall be paid for their attendance for at least one barber commission meeting each week; and not more than two additional meetings in one calendar month if in attendance in Court on official commission business. The commission shall appoint, and at its pleasure may discharge, a secretary. The county health officer of such county shall appoint and at his pleasure discharge inspectors. Such inspectors shall be practicing barbers who have had five (5) or more years of experience as a barber. They shall give their full time to their duties and as compensation therefor shall receive a salary to be fixed and paid by the Barber Commission. Neither the secretary nor inspectors shall be related by blood or marriage, to any other person employed by the Commission or to the members of the Commission. Said Comission shall also have the power to employ any other necessary help for the enforcement of this law, outline their duties and fix their compensation subject to the general laws of this State. The Commission shall obtain such office space, furnishing, and other convenience as shall be reasonably necessary for carrying out the provisions of this Act.

The Barber Commission shall have the power and authority to establish and promulgate reasonable sanitary rules and reasonable regulations for the conduct of barbers, apprentice barbers, barber teachers, barber shops, barber schools, and scalp specialists. The Commission and the inspectors are authorized and directed to inspect all barber shops, barber schools and places of business of scalp specialists in the county, and for such purpose any member of the Commission or its duly authorized agent may enter upon the premises of such barber shops, barber schools and scalp specialists any time during business hours. A copy of the sanitary rules and other regulations adopted by said Commission shall be furnished to each licensed shop owner and barber and barber school doing business in the counties hereby affected. The inspectors shall be deputized by the Sheriff of the county and by each succeeding sheriff that shall be elected in the county. The inspectors shall make bond in the amount of Two Thousand Dollars ($2,000.00) covering his acts as said inspector of the Barber Commission of the county. The sheriff of the county and members of the Barber Commission, shall not be liable for any of the acts of the inspectors. The bond premium

shall be payable by the Barber Commission of the county out of the funds of the Barber Commission. The inspectors shall have the power and authority to arrest persons guilty of a violation of any of the provisions of this Act, or the health and sanitation laws of this State or of any municipality in the county hereby affected and also for a violation of the printed rules and regulations adopted by this Commission under authority of this Act. He is further authorized to take and preserve any evidence of such violations until final disposition of said cause. The principal office of said Commission shall be located at the county seat. The Commission shall adopt a seal, with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. The Barber Commission shall make and keep on file in its office an annual report, which report shall summarize all the activities of the Commission relative to the examining and licensing of barbers, barber apprentices, barber teachers and scalp specialists and the suspension or revocation of such licenses or refusal of issuance of license or renewal license and the issuance and revocation of licenses of barber shops, barber colleges and other like businesses, and shall also show all collections and all disbursements of funds collected pursuant to this Act. All records kept in the office of the Commission under the authority of this Act shall be open to public inspection at all reasonable times. All fees and charges collected by the Commission under the provisions of this Act shall be paid into the treasury of such county and shall constitute a separate fund to be disbursed by the county treasurer on order of the Barber Commission and with the approval of the chairman of such Commission. All expenses incurred by the Barber Commission, including the compensation of members and their employees and compensation and expense of inspectors, shall be paid by the county treasurer out of such separate funds upon checks signed by the chairman of said Barber Commission and countersigned by one other member of the Barber Commission, provided that the total expense for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said Barber Commission and all monies in excess of One Thousand Dollars ($1,000.00) remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county."

Section 2. All laws or parts of laws in conflict with the provisions of this Act hereby are repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Dominick offered the following amendment to the substitute for the Bill, H. B. 820, to-wit:

AMENDMENT TO H. B. 820, AS AMENDED

Amend Section 1 of H. B. 820 as substituted by deleting the four sentences on page 3 and 4 of the substitute beginning with "the names of the two (2) . . . . . ." and substituting in lieu thereof the following words and figures:

"The names of the two (2) persons receiving the highest number of votes for each vacancy shall be placed on a ballot and mailed by the Probate Judge with return envelopes to the licensed barbers entitled to vote. The voting procedure above set out shall be followed and upon receipt of the ballots the Probate Judge shall announce the name of the person who received the highest number of votes as elected to fill the vacancy on the Barbers Commission. The Governor of Ala-

bama may remove a member of the Board upon proof of changes for inefficiency, incompetency, immorality, or professional misconduct. Any person elected to the Board shall within ten (10) days after their election take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office."

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 820, was then adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Oden	
Adams	Engel	Hawkins	Skidmore	
Albea	Folsom	McDermott	Stone	
Bailes	Giles	Morrow	Torbert	
Branyon	Gilmore	Nabors	Turner	
Carr	Givhan	O'Bannon	Vacca	
Childs	Goodwyn			—25

Nays: —0

And said Bill, H. B. 820, as amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Oden	
Adams	Engel	Hawkins	Skidmore	
Albea	Folsom	McDermott	Stone	
Bailes	Giles	Morrow	Torbert	
Branyon	Gilmore	Nabors	Turner	
Carr	Givhan	O'Bannon	Vacca	
Childs	Goodwyn			—25

Nays: —0

The Bill:

H. 822. To amend the title and Section 1 of Act No. 821 of the 1965 Regular Session of the Legislature of Alabama, regulating the fluoridation of water supplies in counties having a population of 400,000 according to the last or any succeeding federal census.

was taken up.

Mr. Bailes offered the following substitute for the Bill, H. B. 822, to-wit:

SUBSTITUTE FOR H. B. 822

A BILL
TO BE ENTITLED
AN ACT

To amend the title and Section 1 of Act No. 821 of the 1965 Regular Session of the Legislature of Alabama, regulating the fluoridation of water supplies in counties having a population of 400,000 according to the last or any succeeding federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 821 of the 1965 Regular Session of the Legislature of Alabama is amended so as to read as follows:

"An act to authorize and regulate the fluoridation of water supplies in counties having a population of 600,000 according to the last or any succeeding federal census. To prescribe conditions for calling a referendum."

Section 2. Section 1 of Act No. 821 of the 1965 Regular Session of the Legislature of Alabama is amended so as to read as follows:

"Section 1. Any water works board, municipality, person, firm, or corporation in counties having a population of six hundred thousand inhabitants or more according to the last or any subsequent federal census, which furnishes or supplies water for human consumption or domestic use whether to municipalities or other groups of persons or otherwise, shall add fluoride to the water so furnished, provided that:

(a) The governing board of the municipality owning or controlling the water system or under which the water board has been appointed, or in which such person, firm or corporation supplying water supplies more water for human consumption or domestic use than in any other municipality, has by ordinance duly authorized the fluoridation of such water supply. Such ordinance or the repeal thereof may be initiated by petition signed by the qualified voters under any provisions which may apply to such municipality.

(b) The state board of health and the local boards of health serving such counties shall have approved the addition of fluoride and have:

(1) Established reasonable maximum and minimum limits of fluoride stated in parts per million to be maintained in the water supply;

(2) Approved the type of chemical feeding equipment to be installed and used;

(3) Approved the installation of equipment, the plant lay-out and methods of handling the fluoride compound to assure the safety of employees; and

(4) Approved the method of analysis and control to be used in determining the fluoride content of water before and after the addition of fluoride.

It shall not be necessary that the provisions of this subsection (b) be complied with prior to the holding of an election as hereinafter provided, but this subsection must be complied with prior to the fluoridation of any such water supply. In the event the result of an election as hereinafter provided is in favor of the fluoridation of any water supply, the municipality, water board, or other person, firm or corporation furnishing such water shall install such equipment and provide such method and manner of fluoridation as is approved by the health authorities under the provisions of this Act. In case of the inability of the state board and the local board to concur on any matter for which their determination or approval is required under the provisions of this subsection (b), then the determination or approval of the local board evidenced by a resolution adopted by the affirmative vote of not less than seventy-five percent (75%) of the membership of such board shall prevail; otherwise, no fluoridation shall be affected until the two boards can resolve their differences in such respect.

(c) A certified copy of the ordinance provided for in subsection (a) above shall have been presented to the probate judge of such county

at the direction of the governing body of the municipality and said probate judge shall have called a referendum to be held throughout said county on the question: "Shall _____ fluoridate its drinking water?" (Insert in the blank space the name of the municipality, water board, person, firm, or corporation furnishing water, the fluoridation of which has been authorized by the ordinance provided for in subsection (a) above), and said vote shall have been in favor of fluoridation. Said election shall be called by the probate judge and such question shall appear on the ballot at the next general election, but in no event sooner than ninety (90) days after the presentation of said ordinance to the probate judge as herein provided. Not less than thirty (30) days' notice of such election shall be given by the probate judge by publication once a week for four consecutive weeks in a newspaper of general circulation of said county, and the cost of said notice and other incidental expenses relating to such referendum shall be born by the county in which such county-wide election is held. Said election shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other county elections in the county except as otherwise provided by this Act. If a majority of the persons voting on said question vote in favor of adding fluoride, the same shall be added by the municipality, board, person, firm or corporation furnishing such order under the provisions of this Act. Upon presentation of said ordinance to the probate judge, it shall be his duty to call said election and to perform other such acts as he is required to perform before fluoride may be added under the provisions of this Act to said water supply."

Section 3. This Act shall become effective immediately upon its passage and upon approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Bailes	Folsom	Morrow	Stone	
Carr	Giles	Nabors	Torbert	
Childs	Gilmore	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

And said Bill, H. B. 822, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Bailes	Folsom	Morrow	Stone	
Carr	Giles	Nabors	Torbert	
Childs	Gilmore	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1037. To repeal Act No. 558, House 1070, Regular Session, 1931,

(Acts 1931, p. 1653), as amended, which relates to the Jefferson county board of Cosmetological Examiners.

was taken up.

Mr. Dominick offered the following substitute for the Bill, H. B. 1037, to-wit:

SUBSTITUTE TO H. B. 1037

A BILL
TO BE ENTITLED
AN ACT

TO REPEAL ACT NO. 558, HOUSE 1070, REGULAR SESSION, 1931, (ACTS 1931, P. 1653), AS AMENDED, WHICH RELATES TO THE JEFFERSON COUNTY BOARD OF COSMETOLOGICAL EXAMINERS.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 558, House 1070, Regular Session, 1931, (Acts 1931, P. 1653), as amended, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and further upon ratification by a vote of the majority of the cosmetologists of Jefferson County who are the holders of a current valid license issued by the Jefferson County Board of Cosmetological Examiners voting in such referendum; such referendum to be called by the Jefferson County Commission and held and supervised by the Judge of Probate of such county no sooner than sixty (60) days nor later than one hundred and twenty (120) days after the last day of the 1969 legislative session.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Childs	Hawkins	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

And said Bill, H. B. 1037, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Childs	Hawkins	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

REPORTS OF COMMITTEES

Mr. Folsom, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Beck and Meade:

H. B. 1428. Relating to counties having populations of not less than 41,000 nor more than 45,000; to provide for taxing and collecting of additional costs in certain courts in such counties for public law library purposes.

By Messrs. Starnes, McDonald and Drake:

H. B. 1290. Relating to counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to provide for an expense allowance for certain officers to be paid from the general funds of the county; to repeal conflicting laws.

By Messrs. Berryman and Graham (with notice and proof):

H. B. 1361. Relating to Franklin County; to provide expense allowances payable from the county treasury for the coroner of such county.

By Mr. Skidmore (with notice and proof):

S. B. 898. To amend Act No. 65, S. 97, of the Extra Session of 1936 (General and Local Acts, 1936, Local Acts Section, p. 34), which provides a fund for the support of a law library for the Circuit Court of Tuscaloosa County, so as to increase the trial taxes levied thereby and regulate further the expenditure of such fund.

By Mr. McCarley (with notice and proof):

S. B. 900. Relating to Shelby County; authorizing any bank situated within the county to open, establish, operate and maintain branch banks, branch offices or other places of business within a certain area within said county.

By Mr. Giles:

S. B. 902. To provide for the manner and procedure for the election of members and the chairman, president or presiding judge of boards of county commissioners, boards of revenue or like governing bodies in counties having a population of not less than 115,000 nor more than 165,000 according to the last federal decennial census and providing for their term of office and the time of their election.

By Mr. Giles (with notice and proof):

S. B. 903. To amend Section 3 of Act 324, Acts of Legislature, Regular Session 1923, as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, by re-defining the boundaries of the five districts of Madison County, Alabama.

By Mr. Jackson (with notice and proof):

S. B. 905. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

By Mr. Jackson (with notice and proof):

S. B. 906. To fix the compensation of the Judge of Probate of Baldwin County, provide the method of payment thereof, provide for compensation of clerical assistants and the payment of their salaries, and provide for the operation of the office of the Judge of Probate of Baldwin County, Alabama.

By Mr. Branyon:

S. B. 907. Relating to counties having populations of not less than 15,500 nor more than 16,300; to provide for the election and qualifications of members of the board of revenue, court of county commissioners, or other like governing body of any such county.

By Mr. Branyon:

S. B. 908. Relating to counties having populations of not less than 13,700 nor more than 14,300; to provide for the election and qualifications of members of the board of revenue, court of county commissioners, or other like governing body of any such county.

By Mr. Stone (with notice and proof):

S. B. 910. To amend Act No. 505, Section 453 of the Regular Session of 1963 (Acts, 1963, page 1087), which establishes and provides for the operation of the Cherokee County Court, amending Section 8, 12 and 14 of such Act, so as to transfer certain jurisdiction relative to juveniles from the probate court of Cherokee County to the Cherokee County Court, to provide further for the compensation of the judge.

By Mr. O'Bannon:

S. B. 911. To amend Section 1 of Act No. 274, S. 436, Regular Session 1969, to provide supplemental compensation for Circuit Judges of the 31st judicial circuit in lieu of any and all other salary supplements heretofore authorized, so as to provide further for such compensation.

Mr. Turner, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Fite, Graham and Berryman:

H. 1315. To provide for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service, or any thereof, upon the filing of an application with, and the authorization of such incorporation by, the governing body of each county and municipality within which any such District is to be authorized to furnish any of such services; to provide that the service area specified in the original certificate of incorporation of any such District shall lie wholly within the boundaries of the county or counties by the governing bodies of which the incorporation of such District was authorized and that no part of said service area shall lie within the boundaries of any municipality by the governing body of which such incorporation was not authorized; to provide for the amendment of the certificate of incorporation of any such District for the purpose of extending the service area, and for other purposes, at any time and from time to time, upon the filing of applications with, and the authorization of each such amendment by, the governing bodies of each county and municipality in which any part of the then existing or pro-

posed service area of such District lies; to provide for the election and compensation of directors of any such District; to provide for the powers, authorities and duties of any such District and its board of directors; to authorize any such District to acquire, construct, operate, improve and finance one or more waterworks plants, water distribution systems, sanitary sewer systems, or fire protection facilities, or any combination of any thereof; to confer on any such District the power of eminent domain; to authorize any such District to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to make provisions respecting the establishment, revision, and collection of charges for water service, sewer service and fire protection service, or any thereof, rendered by it; to provide for the issuance by any such District for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any one or more of the systems and facilities, or any thereof, of such District, without regard to the system or systems or facilities with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such District for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the system or facilities out of the revenues from which such securities are payable, and to provide that any revenue securities of the District may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by a District of obligations respecting systems and facilities, or parts thereof, acquired by the District; to provide for the use of the proceeds of any revenue securities issued by a District; to provide for the refunding, by the issuance of revenue securities of a District, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such District pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, sewer system, fire protection facility, or other property to any such District; to provide that the rendition by any such District of fire protection service is a governmental function and to exempt such District from all tort liability in connection with fire protection service or facilities; to exempt the property and income of any such District, and all securities issued by any such District and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such District is a party from all taxation in the state, to exempt every such District from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such District from payment of certain charges to Judges of Probate; to provide that each such District shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such District; and to provide for the dissolution of any such District and the disposition of its property.

By Mr. Melton:

H. 1284. To amend Sections 1 and 2 of Act No. 486, H. 765, approved July 9, 1943, an act creating the Cahaba Historical Commission, so as to increase the membership of the board of trustees; to provide for the

manner of their appointment; and to grant additional authority to the board.

By Mr. Fite:

H. 1401. Relating to counties having populations of not less than 21,800 nor more than 21,850, according to the most recent federal decennial census; and providing for the reinstatement of the driving privileges of residents of such counties after suspension of such privileges pursuant to Section 5 of Act No. 704, H. 475, Regular Session 1951 (Acts 1951, p. 1224 at p. 1228).

By Mr. Harper:

H. 731. To amend Code of Alabama 1940, Title 51, Section 545, levying a privilege license tax on lightning-rod salesmen to make further provisions for levying such privilege licenses.

By Mr. McCorquodale:

H. 614. To amend further Section 706, Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of motor vehicle license tags.

By Messrs. Cook (Coffee) and Steagall:

H. 587. To provide distinctive license plates free of charge for Alabama members of the United States Senate and House of Representatives; authorizing the commissioner of revenue to provide rules and regulations for the making, issuance and design of such plates.

By Messrs. Cook (Coffee) and Steagall:

H. 585. To amend Title 51, Section 701 (1), Code of Alabama 1940, as amended, which provides for tags for motor vehicles owned and used by state, county or municipality to provide distinctive tags for vehicles of municipal gas districts.

By Messrs. Ellis, Holman and Bowers:

H. 1319. To create a junior college board; to repeal conflicting laws.

Mr. Clark, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McLain, Shumate, Brannan and Pennington:

H. 1145. To regulate extension of credit through open end credit plans, whether secured or unsecured; to provide the maximum rate of the finance charge in connection therewith; to regulate such transactions; to prescribe penalties for violation of this Act; to provide exemptions from the provisions of this Act; to provide that any sectional provision of this Act being held unconstitutional shall not affect the validity of any other section or provision; and to prescribe the effective date thereof.

By Mr. Shumate, et al:

H. 948. Relating to usury; amending Code of Alabama 1940, Title 9, Sections 60, 61 and 66 so as to raise the legal rate of interest which may be charged and collected on a loan; to authorize the aggregation of principal and interest at such increased rate when arriving at the amount of periodic installments; and to provide that a banker who discounts a note, bill of exchange or draft at such increased rate will not forfeit the right to collect interest.

Mr. Goodwyn, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Springer:

H. 309. To further amend Section 18 of Title 61 of the 1958 Recompiled Code of Alabama which relates to the right of a widow to dissent from the will of her deceased husband.

By Mr. Goodwyn:

S. 288. Providing for nonpartisan election of circuit judges, judges of the Court of Appeals, and the Chief Justice and Associate Justices of the Supreme Court of the State of Alabama.

By Mr. Goodwyn:

S. 118. Providing for wire interception and the interception of oral communications.

By Mr. Starnes:

H. 632. To amend Act No. 566, Regular Session 1959 (Acts 1959, p. 1424) relating to frauds concerning checks, drafts, or orders by removing the ten day limitation for proof of payment to overcome the presumption of fraud raised by refusal by the drawee.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1135. To amend subparagraph (b) of Section 4 of Act No. 672 H. 923 of the regular session of 1967 (General Acts 1967, Page 1496), which was an Act to authorize any county having a population of 500,000 or more, according to the last or any subsequent federal census to adopt a building code or ordinance designed to prevent fire and to protect the people of the county from the loss of property and the loss of life consequent to fires, which building code or ordinances shall apply only in the unincorporated area of the county; so as to authorize the adoption of such code or ordinance without regard to whether a majority of the qualified electors residing in the area wherein the code shall apply are in favor of the adoption of the code and without regard as to whether the adoption of the proposed code would result in substantial savings in respect to fire insurance rates.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McDermott	Radney	
Bailes	Givhan	Morrow	Skidmore	
Carr	Goodwyn	Nabors	Stone	
Childs	Harris	O'Bannon	Torbert	
Clark	Hawkins	Oden	Turner	
Cooper	Jackson	Pierce	Vacca	
Dominick	McCarley			—25

Nays: —0

The Bill:

H. 1303. To authorize and regulate cooperation in counties having populations of 600,000 or more, according to the most recent federal decennial census, among and between the county, municipalities, other governmental subdivisions and public corporations therein, the state and the federal government on a basis of mutual advantage in order better to provide services and facilities to fill the needs of the inhabitants thereof and promote the full development of area.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Leonard	Pelham	
Adams	Engel	Lindsey	Pierce	
Albea	Folsom	Lolley	Radney	
Bailes	Giles	Morrow	Skidmore	
Branyon	Gilmore	O'Bannon	Stone	
Carr	Givhan	Oden	Vacca	
Childs	Hawkins			—25

Nays: —0

The Bill:

H. 1397. To provide for the compensation to be paid the Deputy District Attorney who is elected by the people, and the Assistant Deputy District Attorney, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said Act shall go into effect.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1397, to-wit:

AMENDMENT TO H. B. 1397

Amend Section 1 of H. B. 1397 by deleting the words and figures "Sixteen Thousand Five Hundred Dollars ($16,500.00) and substituting therefor the following words and figures:

"Sixteen Thousand Dollars ($16,000.00)

Amend Section 2 of H. B. 1397 by deleting the words and figures "Twelve Thousand Five Hundred Dollars ($12,500.00) and substituting therefor the following words and figures:

"Twelve Thousand Dollars ($12,000.00)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McDermott	Pierce	
Adams	Folsom	Morrow	Radney	
Albea	Gilmore	Nabors	Stone	
Bailes	Harris	O'Bannon	Torbert	
Childs	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

And said Bill, H. B. 1397, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	McDermott	Pierce	
Adams	Folsom	Morrow	Radney	
Albea	Gilmore	Nabors	Stone	
Bailes	Harris	O'Bannon	Torbert	
Childs	Hawkins	Oden	Turner	
Cooper	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1399. To provide for the payment of expense allowance for county officers serving in the positions of Tax Assessor, Tax Collector, Treasurer, Probate Judge, and members of the county board of registrars in all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	McCarley	Radney	
Bailes	Giles	McDermott	Skidmore	
Carr	Gilmore	Morrow	Stone	
Childs	Givhan	Nabors	Torbert	
Clark	Goodwyn	O'Bannon	Turner	
Dominick	Harris	Oden	Vacca	
Engel	Hawkins			—25

Nays: —0

The Bill:

H. 1400. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1400, to-wit:

AMENDMENT TO H. B. 1400

Amend Section 1 of House Bill 1400 by deleting the words and figures "Twenty Two Thousand and no/100 Dollars ($22,000.00) and substituting in lieu thereof the following words and figures

"Twenty Three Thousand Dollars ($23,000.00)

Further amend Section 1 of House Bill 1400 by deleting the words and figures Twenty One Thousand and no/100 Dollars ($21,000.00) and substituting in lieu thereof the following words and figures

"Twenty Two Thousand Dollars ($22,000.00)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Bailes	Folsom	Lindsey	Skidmore	
Carr	Giles	Lolley	Stone	
Childs	Gilmore	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

And said Bill, H. B. 1400, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Bailes	Folsom	Lindsey	Skidmore	
Carr	Giles	Lolley	Stone	
Childs	Gilmore	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1416. To amend further Act No. 421, H. 932, Regular Session, 1957 (Acts 1957, p. 587), an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, in relation to the salary of said assistant.

was taken up.

Mr. Dominick offered the following amendment to the Bill, H. B. 1416, to-wit:

AMENDMENT TO H. B. 1416

Amend Section 3 of House Bill 1416 by deleting the words and figures "Thirteen Thousand and no/100 Dollars ($13,000.00) and substituting therefor the following words and figures

"Fourteen Thousand Dollars ($14,000.00)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Branyon	Givhan	Morrow	Torbert	
Childs	Hawkins	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

And said Bill, H. B. 1416, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Giles	McCarley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Hawkins	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1396. To fix the compensation or salary of the register of the Circuit Court in all counties having a population of 600,000 or more according to the last or any succeeding federal census and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Hawkins	Oden	
Bailes	Folsom	McCarley	Pelham	
Carr	Giles	McDermott	Pierce	
Childs	Gilmore	Morrow	Radney	
Clark	Givhan	Nabors	Skidmore	
Cooper	Goodwyn	O'Bannon	Vacca	
Dominick	Harris			—25

Nays: —0

The Bill:

H. 1426. To fix the compensation or salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Gilmore	Morrow	Skidmore	
Bailes	Goodwyn	O'Bannon	Stone	
Carr	Harris	Oden	Torbert	
Childs	Hawkins	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

H. 1380. To fix and provide for the compensation or salary of the Judges of Probate in Counties having a population of 600,000 or more,

according to the last or any subsequent federal census, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Jackson	Oden	
Albea	Dominick	Leonard	Pelham	
Bailes	Gilmore	Lindsey	Pierce	
Branyon	Givhan	Morrow	Torbert	
Carr	Goodwyn	Nabors	Turner	
Childs	Harris	O'Bannon	Vacca	
Clark	Hawkins			—25

Nays: —0

The Bill:

H. 1381. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lolley	Radney	
Adams	Giles	McCarley	Skidmore	
Bailes	Gilmore	Morrow	Stone	
Childs	Hawkins	Oden	Torbert	
Cooper	Jackson	Pelham	Turner	
Dominick	Leonard	Pierce	Vacca	
Engel	Lindsey			—25

Nays: —0

The Bill:

H. 1382. To amend Section 4 of Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959 (Acts of Alabama of 1959, page 1376 et seq.), as amended, which act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama 1951, page 1579, et seq., as amended).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Bailes	Folsom	McDermott	Pierce	
Carr	Giles	Morrow	Radney	
Childs	Gilmore	Nabors	Skidmore	
Clark	Harris	O'Bannon	Stone	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1383. To amend Act Number 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.) entitled, "To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such System retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such System."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	O'Bannon	
Adams	Gilmore	Lolley	Oden	
Albea	Givhan	McCarley	Skidmore	
Bailes	Goodwyn	McDermott	Stone	
Branyon	Harris	Morrow	Torbert	
Childs	Hawkins	Nabors	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1384. To fix and provide for the compensation or salary of the assistant or associate Judges of Probate in counties having a population of 600,000 or more, according to the last or any subsequent Federal census, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Branyon	Givhan	Morrow	Stone	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1385. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), which Act established a pension system for officers and employees of Jefferson County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Bailes	Folsom	Lindsey	Pelham	
Carr	Giles	Lolley	Pierce	
Childs	Gilmore	Morrow	Torbert	
Clark	Harris	Nabors	Turner	
Cooper	Hawkins	O'Bannon	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1386. To fix the compensation or salary of the Judges of the Civil Court of Jefferson County and to regulate the payment of the salaries of said Judges.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Lindsey	O'Bannon	
Bailes	Giles	Lolley	Oden	
Carr	Gilmore	McCarley	Skidmore	
Childs	Givhan	McDermott	Stone	
Clark	Goodwyn	Morrow	Torbert	
Dominick	Hawkins	Nabors	Vacca	
Engel	Leonard			—25

Nays: —0

The Bill:

H. 1387. To provide for the payment of expense allowances for county officers serving the positions of Deputy Tax Assessor, Deputy Tax Collector, Deputy Treasurer in all counties having a population of 600,000 or more according to the last or any subsequent Federal Decennial Census.

was taken up.

Mr. Bailes offered the following substitute for the Bill, H. B. 1387, to-wit:

SUBSTITUTE FOR H. B. 1387

A BILL
TO BE ENTITLED
AN ACT

TO PROVIDE FOR THE PAYMENT OF EXPENSE ALLOWANCE FOR COUNTY OFFICERS SERVING IN THE POSITIONS OF DEPUTY TAX ASSESSOR, DEPUTY TAX COLLECTOR, DEPUTY TREASURER IN ALL COUNTIES HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. The county officers serving the positions of Deputy Tax Assessor, Deputy Tax Collector and Deputy Treasurer in counties having 600,000 population or more, shall be entitled to receive from the County Treasury the sums as expense allowances as follows: the Deputy Tax Assessor, the Deputy Tax Collector, and the Deputy Treasurer, shall each receive Fifty ($50.00) Dollars per month or 10¢ per mile for each mile they drive their personal automobile on official county business, as an expense allowance. Each of the above named officers shall file a letter with the County governing body prior to the beginning of each fiscal year notifying said governing body which of the alternate expense allowances said officer or board member desires. Said sums to be in lieu of an automobile furnished by the county. The expense allowances herein provided shall be in addition to all other compensation and allowances provided for such county officers by general, special or local laws and such expense allowances shall be paid each month in monthly installments on sworn warrants which shall be approved by the Board of County Commissioners, or other county governing body, on any funds in the County Treasury not otherwise appropriated.

Section 3. All laws or parts of laws in direct conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable, and if any section or part thereof shall be held invalid by a court or competent jurisdictions, such invalidity shall not affect the remaining portions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval of the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Morrow	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Vacca	
Cooper	Goodwyn			—25

Nays: —0

And said Bill, H. B. 1387, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Morrow	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Radney	
Childs	Gilmore	McCarley	Skidmore	
Clark	Givhan	McDermott	Vacca	
Cooper	Goodwyn			—25

Nays: —0

The Bill:

H. 1388. To amend Section 10 of Act No. 556 of the 1959 Regular Session of the Legislature of Alabama (Acts of Alabama, 1959, pages 1376, et seq.), as amended, which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951, (Acts of Alabama 1951, page 1579, et seq., as amended).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jackson	Oden	
Adams	Giles	McCarley	Pierce	
Bailes	Gilmore	McDermott	Radney	
Carr	Givhan	Morrow	Skidmore	
Childs	Goodwyn	Nabors	Stone	
Clark	Harris	O'Bannon	Vacca	
Cooper	Hawkins			—25

Nays: —0

The Bill:

H. 1390. To provide for the payment of expense allowances for county officers serving in the position of a member of the Board of Equalization and adjustments in all counties having a population of 600,000 or more according to the last or any subsequent Federal Decennial Census.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1390, to-wit:

AMENDMENT TO HOUSE BILL 1390

Amend Section 2 of House Bill 1390 so that said Section 2 shall read as follows:

Section 2. The county Officers serving the positions of a Member of the Board of Equalization and Adjustments in counties having 600,000 population or more, shall be entitled to receive from the County Treasury the sums as expense allowances as follows: Each Member of the Board of Equalization and Adjustments, shall receive Fifty dollars ($50.00) per month or ten (10) cents a mile for each mile they drive their personal automobile on official county business as an expense allowance. Each of the Board members shall file a letter with the County governing body prior to the beginning of each fiscal year notifying said governing body which of the alternate expense allowance said Board member desires. The expense allowances herein provided shall be in addition to all other compensation and allowances provided for such county officers by general, special or local laws and such expense allowances shall be paid each month in monthly installments on sworn warrants which shall be approved by the Board of County Commissioners, or other county governing body, on any funds in the County Treasury not otherwise appropriated.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	Oden	
Bailes	Giles	Leonard	Skidmore	
Carr	Gilmore	Lindsey	Stone	
Childs	Givhan	Lolley	Torbert	
Clark	Goodwyn	Morrow	Turner	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

And said Bill, H. B. 1390, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	Oden	
Bailes	Giles	Leonard	Skidmore	
Carr	Gilmore	Lindsey	Stone	
Childs	Givhan	Lolley	Torbert	
Clark	Goodwyn	Morrow	Turner	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

The Bill:

H. 1391. To amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965 (Ala. Acts 1965, p. 717) as heretofore amended, which Act establishes a pension system for officers and employees of Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	McCarley	Pelham	
Bailes	Gilmore	McDermott	Pierce	
Branyon	Givhan	Morrow	Radney	
Carr	Goodwyn	Nabors	Torbert	
Childs	Harris	O'Bannon	Turner	
Clark	Hawkins	Oden	Vacca	
Cooper	Jackson			—25

Nays: —0

The Bill:

H. 1393. To further amend Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 et seq.), which established a pension and retirement system for officers and employers of Jefferson County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Adams	Folsom	Lindsey	Pierce	
Albea	Gilmore	Lolley	Radney	
Bailes	Goodwyn	Morrow	Skidmore	
Childs	Harris	O'Bannon	Stone	
Cooper	Hawkins	Oden	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1392. To establish an Inferior Court in Precincts 4, 5, 6, 7, 8, 9 and 10 and all other precincts lying within or partly within the City of Birmingham in lieu of all Justices of the Peace in said precincts, and in lieu of all Notaries Public with powers of Justices of the Peace and with concurrent Jurisdiction with all other Justices of the Peace and Inferior Courts created in lieu of Justices of the Peace in the Birmingham Division of Jefferson County, Alabama, where the amount in controversy is $100.00 or less; this court shall be a court of record and shall have concurrent jurisdiction with the Circuit Court, Tenth Judicial Circuit of Alabama, Birmingham Division, sitting in Birmingham, and with such other inferior courts in Jefferson County where the amount in controversy exceeds the sum of $100.00 and does not exceed the sum of $500.00; to define the jurisdiction and powers of said Court, the judge, clerks and other officers thereof: to provide for places for holding said court, term and salary of said judge, the manner of his appointment and election, and the payment of his salary: to provide for the abolishment of the Court of General Sessions of Jefferson County formerly known as the Court of Common Claims: to provide for the transfer of all pending cases and records of the said court to the court created by this Act.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1392, to-wit:

AMENDMENT TO H. B. 1392

Amend House Bill 1392 by deleting Section 35 thereof and substituting in lieu thereof the following

Section 35. This Act shall become effective on January 1, 1971.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	Oden	
Bailes	Giles	Leonard	Pelham	
Childs	Gilmore	Lindsey	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn	Nabors	Turner	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

And said Bill, H. B. 1392, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Folsom	Jackson	Oden	
Bailes	Giles	Leonard	Pelham	
Childs	Gilmore	Lindsey	Stone	
Clark	Givhan	Morrow	Torbert	
Cooper	Goodwyn	Nabors	Turner	
Dominick	Harris	O'Bannon	Vacca	
Engel	Hawkins			—25

Nays: —0

The Bill:

H. 1394. To fix the compensation or salary of the Judges of the Criminal Court of Jefferson County and to regulate the payment of the salaries of said judges.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Oden	
Adams	Folsom	Lindsey	Pelham	
Albea	Giles	Lolley	Pierce	
Bailes	Gilmore	McCarley	Radney	
Childs	Harris	McDermott	Skidmore	
Cooper	Hawkins	Morrow	Vacca	
Dominick	Jackson			—25

Nays: —0

The Bill:

H. 1395. To fix the compensation or salary of the deputy probate judges or assistant judges of probate of any branch office of the Probate Court in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1395, to-wit:

AMENDMENT TO H. B. 1395

Amend Section II of H. B. 1395 by deleting the figures "$11,900.00) and substituting therefore the figures "$12,000.00

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Morrow	Radney	
Albea	Givhan	Nabors	Skidmore	
Bailes	Goodwyn	O'Bannon	Stone	
Branyon	Harris	Oden	Torbert	
Carr	Hawkins	Pelham	Turner	
Childs	Leonard	Pierce	Vacca	
Dominick	Lindsey			—25

Nays: —0

And said Bill, H. B. 1395, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Morrow	Radney	
Albea	Givhan	Nabors	Skidmore	
Bailes	Goodwyn	O'Bannon	Stone	
Branyon	Harris	Oden	Torbert	
Carr	Hawkins	Pelham	Turner	
Childs	Leonard	Pierce	Vacca	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1398. To amend Act No. 91, H. 63, First Extra Session 1964 (Act 1964, Page 124), an act fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Lindsey	Pierce	
Adams	Folsom	Lolley	Radney	
Albea	Gilmore	Morrow	Skidmore	
Bailes	Harris	O'Bannon	Stone	
Branyon	Hawkins	Oden	Torbert	
Childs	Jackson	Pelham	Vacca	
Dominick	Leonard			—25

Nays: —0

The Bill:

S. 608. To amend Section 1 of Act No. 34, (H. 45) of the Special Session of 1969, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county," so as to define such taxes more particularly; to provide more fully for the collection of such taxes and to prescribe certain limitations on such taxes; and to authorize and provide for the calling and holding of elections relative to the levying of such taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 608

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in

the county," so as to prescribe certain limitations on the levying of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the operation of the public schools in the county, the governing body of each of the several counties in this state is hereby authorized by ordinance or resolution to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used exclusively for public school purposes. Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts (except a sales tax which parallels, except for the rate of tax, Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, and a use tax which parallels, except for the rate of tax, Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended); nor shall any such governing body levy any tax upon the privilege of engaging in any business unless such tax is levied uniformly and at the same rate against every person engaged in business within the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RECESS

At 7:38 P.M., on motion of Mr. Turner, the Senate took a recess until 9 o'clock this evening.

NIGHT SESSION

THIRTY-THIRD LEGISLATIVE DAY

WEDNESDAY, AUGUST 20, 1969

The Senate re-assembled in the Senate Chamber, President Pro Tempore Goodwyn presiding.

ROLL CALL

Present:

Messrs.:	Dominick	Jackson	Oden	
Adams	Engel	Leonard	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McCarley	Stone	
Carr	Givhan	McDermott	Torbert	
Childs	Goodwyn	Morrow	Turner	
Clark	Harris	Nabors	Vacca	
Cooper	Hawkins	O'Bannon		—34

FURTHER CONSIDERATION OF S. B. 608

The Senate proceeded to further consideration of the Bill, S. B. 608. The question was on the Committee substitute for the Bill.

On motion of Mr. Nabors, said substitute was laid on the table.

Mr. Nabors offered the following substitute for the Bill, S. B. 608, to-wit:

SUBSTITUTE FOR S. B. 608

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county," so as to prescribe certain limitations on the levying of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969 is hereby amended as follows:

"Section 1. In order to provide funds for the operation of the public schools in the county, the governing body of each of the several counties in this state is hereby authorized by ordinance or resolution to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used exclusively for public school purposes. Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts (except a sales tax which parallels, except for the rate of tax, Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, and a use tax which parallels, except for the rate of tax, Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended); nor shall any such governing body levy any tax upon the privilege of engaging in any business or profession unless such tax is levied uniformly and at the same rate against every person engaged in the pursuit of any business or profession within the county, except that any tax levied hereunder upon the privilege of engaging in any business or profession may be measured by the number of employees of such business or the number of persons engaged in the pursuit of such profession. Provided that in all counties having more than one (1) school system, revenues collected under the provisions of this Act shall be distributed within such county on the same basis as funds received by the county from the Minimum Program Fund are distributed within the county."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 94. WHEREAS, the Committee impaneled pursuant to S. R. 80 did report to the Senate of Alabama certain special findings, to-wit:

"The testimony taken in this inquiry was preserved and is in the process of being transcribed. Upon the completion of such transcription the testimony will be delivered to the Secretary of the Senate to be held by him subject to such directives as the Senate may issue with respect thereto."

and;

WHEREAS, S. R. 80 did request the Grand Jury of Montgomery County to proceed immediately to inquire into the allegations against a member or members of the Senate in connection with the news article appearing in the August 12, 1969, issue of the Montgomery Advertiser; and

WHEREAS, having made request of such Grand Jury, the Senate desires to cooperate, to the fullest extent, with the investigative and lawful processes of such Grand Jury:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. The Secretary of the Senate is hereby directed to make available to and produce for the sole use of the District Attorney and the Grand Jury of Montgomery County upon request or subpoena duces tecum or other lawful process or order the transcript of the testimony heretofore taken by the Committee impaneled pursuant to S. R. 80.

2. The Secretary of the Senate is further directed that such testimony be made available to any member of the Senate for personal examination by such member within the premises occupied by the Senate, but such testimony shall not be copied or reproduced in whole or in part.

On motion of Mr. Clark, said Resolution was adopted by the Senate.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 95. WHEREAS, the Senate adopted Senate Resolution 80, a copy of which is attached hereto, on August 12, 1969; and

WHEREAS, the Committee impaneled thereunder thereafter issued its report, a copy of which is attached hereto; and

WHEREAS, it appears therefrom that representatives of the Fraternal Order of Police were derelict in failing to report immediately to the proper authorities improper and unlawful communications with Senator W. G. McCarley.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. That the people of the State of Alabama are entitled to have their State legislative affairs conducted in an honorable, ethical, and lawful manner by all participants therein, including both the members of the Alabama Legislature and those private entities who are lobbying in support of legislation.

2. That is is the duty of both members of the Alabama Legislature and such private entities to report unlawful activity relating to legislative affairs to the proper legal authorities for such investigation and/or prosecution as the facts require.

3. That the failure of representatives of the Fraternal Order of Police to report promptly to the District Attorney of Montgomery County or the Attorney General of Alabama is hereby condemned.

On motion of Mr. Clark, said Resolution was adopted by the Senate.

The Rules Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. WEHREAS, it has been exhibited beyond question the need for legislation regulating the activities of both members of the Alabama Legislature and lobbyists to the extent that such activities bear on the orderly and proper conduct of legislative affairs;

NOW, THEREFORE, be it resolved by the Legislature of Alabama, both Houses thereof concurring:

1. There is hereby created a Joint Interim Committee on legislative and lobbying ethics, which committee shall be composed of 5 persons appointed by the present Speaker of the House of Representatives, each of whom shall be a member of the present House of Representatives, and 4 persons appointed by the present Presiding Officer of the Senate, each of whom shall be a member of the present Senate. Appointments shall be made forthwith. The committee shall elect from among its members a chairman and a vice-chairman, and shall hold such meetings and hearings, examine such witnesses, and conduct such studies and make such inquiries as it considers necessary and proper in the performance of its duties.

2. Such Joint Interim Committee shall make a complete study of the need for legislation in the area of legislative lobbying ethics, prepare adequate legislation to meet the needs in such area, and to report to the Legislature at its next regular session.

On motion of Mr. Clark, said Resolution was adopted by the Senate.

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 97. WHEREAS, pursuant to S. R. 80, a copy of which is attached hereto, the President of the Senate did appoint and impanel a Committee charged to inquire and promptly report its findings to the Senate relating to a news article appearing in the Montgomery Advertiser in its issue of August 12, 1969, which article charged serious misconduct by a member or members of this Senate in the performance of official duties; and

WHEREAS, said Committee did on August 20, 1969, make and submit a written report to the Senate, a copy of which is attached hereto; and

WHEREAS, after having considered said report and particularly the findings as such relate to Senator W. G. McCarley:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA That pursuant to the authority contained in Section 53 of the Constitution of Alabama of 1901, Senator W. G. McCarley be and he is hereby expelled as a member of the Senate of Alabama.

On motion of Mr. Clark, said Resolution was adopted by the Senate.

Yeas 32; Nays 1.

Yeas:

Messrs.:	Dominick	Hawkins	Oden	
Adams	Engel	Jackson	Pelham	
Albea	Folsom	Lindsey	Pierce	
Bailes	Giles	Lolley	Skidmore	
Branyon	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Childs	Goodwyn	Nabors	Turner	
Clark	Harris	O'Bannon	Vacca	
Cooper				—32

Nay: Mr. Leonard —1

FURTHER CONSIDERATION OF S. B. 608

The Senate proceeded to further consideration of the Bill, S. B. 608. The question was on the substitute offered by Mr. Nabors.

And said substitute was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Clark	Harris	Nabors	
Adams	Dominick	Hawkins	O'Bannon	
Albea	Engel	Jackson	Pelham	
Bailes	Giles	Leonard	Skidmore	
Branyon	Gilmore	Lindsey	Turner	
Carr	Givhan	Lolley	Vacca	
Childs	Goodwyn	McDermott		—26

Nays: —0

And said Bill, S. B. 608, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 5.

Yeas:

Messrs.:	Folsom	Leonard	Pierce	
Adams	Giles	Lolley	Skidmore	
Bailes	Gilmore	McDermott	Stone	
Carr	Givhan	Morrow	Torbert	
Clark	Goodwyn	Nabors	Turner	
Cooper	Hawkins	Oden	Vacca	
Engel	Jackson	Pelham		—26

Nays:

Messrs.:	Branyon	Lindsey	O'Bannon	
Albea	Dominick			—5

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Burgess:

H. 1238. To provide that all contracts of insurance or policies of insurance or plans or agreements for hospital or health services issued or delivered in this State shall cover and include the services of all Licensees of all branches of the Healing Arts in the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1238. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Waggoner, Meeks, Dill, Yeilding, Holman, Weeks, Gloor, Ellis, Money, Cook (Jefferson) and Bowers:

H. 1457. To amend Section 138, Title 62, Code of Alabama 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar ($1.00) to two dollars ($2.00); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars ($100.00) from twenty five cents ($.25) to fifty cents ($.50), and where the amount claimed is one hundred dollars ($100.00) and less, from ten cents ($.10) to twenty cents ($.20), said increases to be effective on the day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN OF INTENTION TO APPLY AT THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1969 FOR ADOPTION OF AN ACT WHICH WOULD PROVIDE AS FOLLOWS:

AN ACT

To amend Section 138, Title 62, Code of Alabama 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bail bond given in connection with an appeal from a judgment of conviction in any inferior court or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar ($1.00) to two dollars ($2.00); to increase the Law Library Tax in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, from fifty cents ($.50) to one dollar ($1.00); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars ($100.00) from twenty five cents ($.25) to fifty cents ($.50), and where the amount claimed is one hundred dollars ($100.00) and less, from ten cents ($.10) to twenty cents ($.20), said increases to be effective on the day of the second calendar month next following its passage by the legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 138, Title 62, Code of Alabama 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, be and the same is hereby amended to read as follows:

In each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise, to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, there shall be taxed as costs the sum of two dollars ($2.00), and in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise, to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, there shall be taxed as costs the sum of one dollar ($1.00). In each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division of said county, there shall be taxed as costs the sum of one dollar ($1.00), and in each such case hereafter filed in any statutory inferior court in the Bessemer Division of Jefferson County, Alabama, there shall be taxed as costs the sum of fifty cents ($.50). In each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars ($100.00) there

shall be taxed as costs the sum of fifty cents ($.50), and where the amount claimed is one hundred dollars ($100.00) and less, there shall be taxed as costs the sum of twenty cents ($.20), and in each civil case hereafter filed in any statutory inferior court in the Bessemer Division of Jefferson County, Alabama, there shall be taxed as costs the sum of ten cents ($.10). The costs taxed in pursuance of this section shall be collected as other costs in such cases are collected, and when collected by the clerks of such courts (including registers in chancery) shall be by them paid to the treasurer of Jefferson County. The sums paid to the county treasurer by the clerk and deputy register of the Circuit Court at Bessemer, Alabama, and other clerks of courts in the territorial jurisdiction of the Circuit Court at Bessemer, or which are collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the Circuit Court at Bessemer shall be kept in a separate fund designated as Jefferson County Law Library Fund (Bessemer), and shall be expended by the senior circuit judge, in point of service, sitting at Bessemer for the maintenance of a law library in the Court House at Bessemer. The sums paid to the county treasurer by the clerk and register of the Circuit Court at Birmingham and other clerks in the territorial jurisdiction of the Circuit Court at Birmingham, or collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the Circut Court at Birmingham, shall be kept by the treasurer in another separate fund designated as Jefferson County Law Library Fund (Birmingham), and shall be expended by a circuit judge of the Circuit Court at Birmingham, selected by the circuit judges of the Birmingham Division, for maintaining a law library in the Court House at Birmingham. Said judges shall respectively draw warrants on the treasurer for expenditures by them, indicating on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee, and when any part of the costs in a case have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks of the respective courts (including registers in chancery) shall pay to the county Treasurer all amounts collected for said law library fees previous to the first day of the month. All books or other property purchased with the funds produced by this section shall be the property of Jefferson County. The management of the law library in the court house at Bessemer is vested in the senior circuit judge, in point of service, sitting at Bessemer; and the management of the law library in the court house at Birmingham is vested in a circuit judge of the Birmingham Division, to be selected by the circuit judges of the Birmingham Division.

Section 2. This Act shall take effect on the first day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA LEGAL ADVERTISER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And

that there was published in said newspaper in the issues of April 26, May 3, 10, 17, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 24th day of July, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Messrs. Dill, Adwell, Meeks, House, Sessions, Yeilding, Cherner, Jackson (T), Holman, Kilgore, Weeks and Gloor:

H. 1458. To provide compensatory leave for police officers of cities having a population of 300,000 or more according to the last or any succeeding decennial federal census for time spent in required attendance at court as witnesses in any criminal case or in any civil case resulting from a matter investigated by such officer or in which such cities are involved or interested.

Also:

By Messrs. House, Waggoner, Weeks, Yeilding, Sessions, Holman, Meeks, Watkins, Dill, Kilgore, Cook (Jefferson) and Money:

H. 1459. An Act to allow Boards of Education in each city of the State of Alabama having a population of not less than 32,500 nor more than 33,500 according to the last Federal Census or which shall hereafter have such population according to any succeeding Federal Census, to collect a non-resident fee for the attendance of such non-residents or children of any other school district.

Also:

By Messrs. Holman, Cook (Jefferson), Meeks, Yeilding, Dill, Kilgore, Weeks, Ellis, Money, House, Cherner, Gloor, Jackson (T) and Bowers:

H. 1460. To further amend Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore amended.

Also:

By Messrs. Adwell, Holman, Meeks, Kilgore, Weeks, Cook (Jefferson), Money, House, Ellis, Waggoner and Gloor:

H. 1461. To further amend Section 9, Section 12, and Section 14 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951 page 1579, et seq) entitled: "An Act to create or provide in or for each and every City of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a Pension and Relief or Retirement and Relief System for officers and employees of such City and their widows and children: to make the provisions of such System retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any County in which any such City may be located as officers and employees of such City for the purpose of retrospective and prospective application of the terms or provisions of such System."

Also:

By Messrs. Dill, Meeks, Sessions, Yeilding, Cherner, Holman, Kilgore, Weeks, Ellis, Money and Waggoner:

H. 1463. To fix the compensation or salaries of Circuit Clerk in Counties of 600,000 inhabitants or more, according to the last or any subsequent Federal census, and to require such officers to pay into the county treasury of such county or counties all fees, commissions, costs or other emoluments which are now allowed by law.

Also:

By Messrs. Holman, Meeks, Yeilding, Dill, Cherner, Adwell, Weeks, Ellis, Gloor, Money, House and Waggoner:

H. 1462. Relating to the Tenth Judicial Circuit, Bessemer Division; providing for the appointment, duties, and compensation of one additional Assistant Deputy District Attorney in such Circuit.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Tenth Judicial Circuit, Bessemer Division; providing for the appointment, duties, and compensation of one additional Assistant Deputy District Attorney in such Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The Deputy District Attorney of the Bessemer Division, Tenth Judicial Circuit, who is elected by the people, shall be authorized to appoint one additional Assistant Deputy District Attorney in addition to the one appointed Assistant Deputy District Attorney in such Circuit. The second Assistant Deputy District Attorney appointed pursuant to this Act, who shall be a resident and qualified elector of the County comprising the Circuit, qualified to practice law in the Courts of this State, shall serve at the pleasure of the appointing Deputy District Attorney. Such Assistant Deputy District Attorney shall be a State officer and shall perform such duties as are performed by the other Assistant Deputy District Attorney in the Circuit or such duties as the Deputy District Attorney shall require.

Section 2. The second Assistant Deputy District Attorney shall be paid an annual salary of $9,000.00 paid by the State as the salaries of other State officers are paid, and in addition shall be paid out of the general fund of the County comprising the Circuit, an annual salary of $3,500.00, payable in equal monthly installments.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: March 7, 14, 21, 28, 1969.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 28th day of March, 1969.

JOHN E. SMITH,
Notary Public.

Also:

By Messrs. Cook (Jefferson), Dill, Adwell, Meeks, Waggoner, Sessions, Holman, Kilgore, Weeks, Money, Jackson (T), Watkins and Bowers:

H. 1464. To provide for the compensation to be paid the First Deputy District Attorney, the Second Deputy District Attorney, the Third Deputy District Attorney, the Fourth Deputy District Attorney, the Fifth Deputy District Attorney, the Sixth Deputy District Attorney, the Seventh Deputy District Attorney, the Eighth Deputy District Attorney, the Deputy District Attorney appointed by the District Attorney to serve in any Inferior Criminal Court, County Criminal Court, or County Misdemeanor Court, now or hereafter created, the additional Deputy District Attorney appointed by the District Attorney to serve in any Inferior Criminal Court, County Criminal Court, or County Misdemeanor Court, now or hereafter created, the Deputy District Attorney appointed by the District Attorney to serve in any Juvenile Court, or Family Court, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said act shall go into effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1457, 1458, 1459, 1460, 1461, 1463, 1462 and 1464. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 942. To levy in Jefferson County a privilege or license tax on persons, corporations, partnerships, firms, associations and other entities engaged in the business of renting or furnishing rooms, lodgings or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration, and also a privilege or license tax on persons engaged in the business of renting or furnishing space for the accommodation of trailers; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collecting and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; to provide that the said Director of Revenue shall pay one percent (1%) of the total amount of the said taxes collected by him to the treasury of the County, as compensation to the County for expenses incurred by the County in the collection of said taxes and in the administration and enforcement of this act, to provide that the said director of Revenue shall pay all of the proceeds of the taxes, except the one percent (1%) deducted as aforesaid, to the convention and tourism authority of the County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1969, which provides for a convention and tourism authority in counties of the state having a population of 500,000 or more according to the last or any subsequent Federal census: to repeal all ordinances of any municipalities within the County imposing, or levying, any license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the charges made for rooms, lodgings or accommodations; to provide that the aforesaid repeal of municipal ordinances shall not impair the power of the governing body of any municipality to re-enact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the total charges made for rooms, lodgings or accommodations; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the Act.

And requests a Committee of Conference, and the Speaker of the House has named as a Committee of Conference on the part of the House Messrs. Cook (Jefferson), Bowers and Waggoner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Morrow, the Senate acceded to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. B. 942, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Hawkins	Oden	
Adams	Dominick	Leonard	Pelham	
Albea	Engel	Lindsey	Pierce	
Bailes	Folsom	Lolley	Radney	
Branyon	Giles	Morrow	Skidmore	
Carr	Gilmore	O'Bannon	Vacca	
Childs	Givhan			—25

Nays: —0

And the President of the Senate appointed as conferees on part of the Senate Messrs. Morrow, Bailes and Childs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 675. To provide in every County having a population of 500,000 or more according to the last or any subsequent Federal census for the creation of a public corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and tourists to the county; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the act.

And requests a Committee of Conference, and the Speaker of the House has named as a Committee of Conference on the part of the House Messrs. Cook (Jefferson), Waggoner and Bowers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Morrow, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. B. 675, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Engel	Leonard	Pelham	
Bailes	Folsom	Lindsey	Pierce	
Carr	Giles	Lolley	Radney	
Childs	Gilmore	Morrow	Skidmore	
Clark	Givhan	O'Bannon	Stone	
Cooper	Goodwyn	Oden	Vacca	
Dominick	Hawkins			—25

Nays: —0

And the President of the Senate appointed as conferees on part of the Senate Messrs. Morrow, Bailes and Childs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Paulk:

H. 1545. Relating to all counties having populations of not less than 12,500 nor more than 13,500 according to the most recent federal decennial census; providing further for certain fees allowed to judges of probate.

Also:

By Messrs. Hill and Haygood:

H. 1548. Relating to the eleventh judicial circuit; to provide further for the supplemental compensation of circuit judges in such circuit; providing that the supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

By Messrs. Hill and Haygood:

H. 1549. To provide further for the supplemental compensation of the district attorney of the eleventh judicial circuit; providing that the supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

By Messrs. Money, Cook (Jefferson), Holman, House, Bowers, Weeks, Sessions, Kilgore, Waggoner and Jackson (T):

H. 1536. To provide retirement allowances for certain elected officers and former elected officials in all counties of the state having a population of more than 500,000 according to the last or any subsequent federal census.

Also:

By Messrs. Dill, Meeks, Cook (Jefferson), House, Bowers, Weeks, Gloor, Money, Sessions, Yeilding and Ellis:

H. 1541. To amend Act No. 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, Page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any City of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor."

Also:

By Messrs. House, Kilgore, Weeks, Holman, Cook (Jefferson), Adwell, Waggoner, Sessions, Money, Crane, Jackson (T) and Bowers:

H. 1511. To provide retirement allowances for elected officials and former elected officials in all municipalities of the State located in a county, which county has population of 600,000 or more according to the last and any subsequent federal census.

Also:

By Messrs. Dill, Cook (Jefferson), Holman, Bowers, Weeks, Gloor, Money, Sessions, Waggoner, Kilgore and Yeilding:

H. 1532. To further amend Section 5 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (General Acts of Alabama of 1945, page 376, et seq.) entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and

other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof."

Also:

By Messrs. Dill, Cook (Jefferson), Holman, Bowers, Weeks, Gloor, House, Money, Sessions, Kilgore, Waggoner and Yeilding:

H. 1533. Proposing an amendment to the Constitution of Alabama relating to authorizing the City of Birmingham to alienate or lease any public park or playground or any part or portion thereof.

By Messrs. Grainger, Pennington, Laxson, Jones and McLain:

H. 1547. To amend Section 3 of Act 324, Acts of Legislature, Regular Session 1923, as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, by re-defining the boundaries of the five districts of Madison County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act 324, Acts of Legislature, Regular Session 1923, as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, by redefining the boundaries of the five districts of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act 324, Acts of Legislature, Regular Session 1923 approved September 24, 1923 as said act was amended by Act 469, Acts of Legislature, Regular Session 1931, approved July 20, 1931, be and the same is hereby amended to read as follows: "Section 3. That for the purpose of this act and the enforcement thereof, the said County of Madison is hereby divided into five subdivisions, to be known as Districts, and numbered respectively, from one to five, both inclusive. District number one shall embrace and be composed of all that territory now constituting beats or precincts numbered 2, 11, 12, 17 and 23 and known respectively as New Market, Meridianville, Hazel Green, Plevna and Sulphur Springs. District number two shall embrace and be composed of all that territory now constituting beats or precincts numbered 3, 15, 16, 20, 22 and 26 and known respectively as Maysville, Gurley, Deposit, Rock Cut, Hurricane and Ryland. District number three shall em-

brace and be composed of all that territory now constituting beats or precincts numbered 4, 6, 13, 18, 19 and 25 and known respectively as Colliers, Whitesburg, Popular Ridge, Elon, Owens Cross Roads Districts One and Two and New Hope Districts One and Two. Districts number four shall embrace and be composed of all that territory now constituting beats or precincts numbered 9, 10, 21 and 27 and known respectively as Harvest, Madison Cross Roads, Monrovia and Bobo. District number five shall embrace and be composed of all that territory now constituting beats or precincts numbered 1, 7, 8 and 14 and known respectively as Huntsville, Triana districts one and two, Madison and Dug Hill."

Section 2. All laws, or parts of laws, local, general or special, in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA)
MADISON COUNTY)

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on August 2, 7, 12, and 18, 1969.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 18th day of August, 1969.

OPAL H. DILWORTH,
My commission expires April 10, 1971. Notary Public.

Also:

By Messrs. Jones, Grainger, Pennington, Laxson and McLain:

H. 1546. To provide for the manner and procedure for the election of members and the chairman, president or presiding judge of boards of county commissioners, boards of revenue or like governing bodies in counties having a population of not less than 115,000 nor more than 165,000 according to the last federal decennial census and providing for their term of office and the time of their election.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1545, 1548, 1549, 1547 and 1546. To the Committee on Local Legislation No. 1.

H. B.'s 1536, 1541, 1511, 1532 and 1533. To the Committee on Local Legislation No. 2.

(The above numbered Bill, H. B. 1533, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Burgreen:

H. 1320. Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

Also:

By Messrs. Adwell, Holman, Meeks, Yeilding, Dill, Sessions, Jackson (T), Kilgore, Weeks, House and Ellis:

H. 1465. To further amend Act Number 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.) entitled: "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal Census a Pension and Relief or Retirement and Relief System for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system", so as to make the provisions of such system applicable on and after September 1, 1969 to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city.

Also:

By Messrs. Yeilding, Sessions, Meeks, Dill, Cherner, Holman, Kilgore, Weeks, Gloor, Money and Bowers:

H. 1466. To create a Local Government Commission in each county in the State having a population of 600,000 or more, according to the 1960 or any succeeding decennial Federal census, to provide for the membership, organization, functions, powers and duties of such Commission, to provide for the financing of such Commission's work by appropriation from the County and each municipality therein, and the receipt by the Commission of donations, to provide for the submission of recommended municipal mergers, annexations or changes in form of government to a vote of the qualified voters affected thereby, and in the event of a favorable vote, the effectuation of such mergers, annexations or changes in form of government, and to provide for advisory referenda.

Also:

By Messrs. Adwell, Meeks, Weeks, Waggoner, Kilgore, Cook (Jefferson), Holman, Jackson (T), Ellis, Watkins and Money:

H. 1504. To amend Section 8 and to further amend Sections 3, 6 and 7 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, entitled "An Act to provide a separate Retirement and Relief System for certain of the presently active employees of the City of Birmingham who entered the service of the Police Department of said City prior to September 19, 1939, and to whom is applicable the Pension and Relief System provided by

Act No. 502 of the Regular Session of the Legislature of 1923, as re-enacted and amended: to included in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1969 application will be made for the adoption of an act which will amend Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, approved September 9, 1955 (Ala. Acts, 1955 Regular Session. P. 1067 et seq.), in the respects below stated.

As used in this notice the following terms have the meanings hereby ascribed to them: "Act 929" means Act No. 929 of the Legislature of Alabama of 1951; "Section 9" means Section 9 of Act 929 as said Section 9 now is, or as the same may be hereafter amended; "Limited System" means the Limited Policemen's System established by Act No. 470; "General System" means the General Employees' Pension System established by Act 929.

The proposed Act will amend Section 3 of Act No. 470 by requiring the City and the members of the Limited System to make contributions to the fund of the Limited System which shall always be at the same rates which Section 9 requires members of the General System and the City to make to the fund of the General System; and the proposed Act will also amend said Section 3 by inserting therein provisions which will accord members of the Limited System the same option to make contributions retroactively to the fund of the Limited System as Act No. 929 accords members of the General System to make contributions retroactively to the fund of the General System.

The proposed Act will amend Section 6 of said Act No. 470 by providing that any member of the System who shall be entitled to retirement allowance under subsection (a) of said Section 6 shall receive a monthly amount which shall be one and sixty one hundredths per centum (1-60/100%) of his final average salary multiplied by such number of years of his creditable time as shall not exceed twenty-five years of his creditable time, plus four per centum (4%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty-five years of his creditable time, but in no event shall such monthly retirement allowance exceed sixty per centum (60%) of his final average salary.

Sub-sections (b), (f), (g), (h) and (i) of Section 6 of said Act No. 470 will be amended so as to provide as follows: "(b) As hereinafter used in this Act certain words and terms here defined shall be accorded the definitions prescribed in the sentence next following. The term 'reduced retirement allowance' means the allowance for which this subsection (b) provides determined by the formula here stated; 'the retired' means the employee member entitled to receive the reduced retirement allowance; 'the date of separation' means the date of the retired's separation from the service; and 'accumulated creditable time' means the creditable time which the retired had to his credit on the date of separation. Any employee member who shall not be entitled to voluntarily retire and obtain a retirement allowance under subsection (a) of this section and who shall be separated from the service, voluntarily or involuntarily, having at least ten years accumulated creditable time, shall be entitled to a reduced retirement allowance from the fund payable at the time and in the amount herein specified, provided he leaves in the fund the contributions thereto made by him; and provided, further, that no moral delinquency on his part contributes to his

separation from the service. The payment of the reduced retirement allowance shall commence on the first day of the calendar month next following the retired's becoming 60 years of age.

The amount the retired shall receive monthly as the reduced retirement allowance shall be determined by the following procedure:

(1) First, determine the amount of the retired's final average salary.

(2) Second, express in terms of years the retired's accumulated creditable time. (Such expression shall include the fraction of a year of accumulated creditable time, to the extent provided for in subsection (c), below.)

(3) Third, multiply one and sixty one hundredths per centum (1-60/100ths%) by the number corresponding to the number of years of the retired's accumulated creditable time. The product obtained by the last named multiplication is referred to in (4), next below, as 'product 3.

(4) Fourth, multiply the retired's final average salary by the lesser of the following: Product 3 or sixty per centum (60%). The product obtained by the last named multiplication is referred to in (5), below, as 'product 4'.

(5) The amount of the retired's monthly retirement allowance shall be the prescribed percentage of product 4, which amount shall be determined by the following table:

MONTHLY REDUCED
RETIREMENT ALLOWANCE

Retired's accumulated creditable time	Percentage of Product 4 payable as a monthly reduced retirement allowance
Less than 10 years	None
10 to 11 years	50%
11 to 12 years	60%
12 to 13 years	70%
13 to 14 years	80%
14 to 15 years	90%
15 years or more	100%

(6) The percentage of product 4 determined by the retired's accumulated creditable time in accordance with the table in (5) above, is the monthly amount the retired will receive as his reduced retirement allowance.

(f) In the event of the death of any retired beneficiary in whose favor a monthly retirement allowance is accruing, or in the event of the death of any employee member entitled prior to his death to voluntarily retire and obtain a retirement allowance under subsection (a) of this Section 6, his spouse and child, or children, shall be entitled to a monthly allowance in the amount hereinafter specified in this subsection (f), subject to the conditions and limitations herein stated. No spouse shall receive any benefit under this subsection (f) unless such spouse was married to the deceased employee for at least five consecutive years while he was employed in the service of the city. No spouse shall be entitled to receive such benefit for any period following remarriage. No benefit shall be payable under this subsection (f) to a married child, or to a child over eighteen (18) years of age unless he is attend-

ing school, or to any child over twenty-one (21) years of age unless he is unable, because of physical or mental disability, to support himself. A child shall be deemed to be attending school during his vacation between school terms, provided he attended school during the next preceeding term and expects to return to school when the next term commences. The benefit payable under this subsection (f) shall be an amount equal to fifty per centum (50%) of the retirement allowance the deceased employee was receiving when he died, or fifty per centum (50%) of the monthly retirement allowance he would have been entitled to receive had he retired immediately before his death. Such benefit shall be payable to the deceased employee's spouse, or child or children, in the following order: (1) to the spouse; and (2) if there is no spouse eligible to receive the benefit, then to the child or children of the deceased employee. (g) If a member of the system be killed in the line of his duty his spouse, and child or children, shall be entitled to a monthly allowance in the amount and order herein specified in this subsection (g), subject to the conditions and limitations herein stated. All of the limitations and prohibitions prescribed in subsection (f), next above, in respect to the payment of a benefit to a spouse, or child or children, shall apply to the payment of such benefit to a spouse, or child under this subsection (g); provided, however, that the benefit provided for by this subsection (g) shall be payable without regard to the time during which the marriage between the deceased employee and such spouse existed.

"The benefit payable under this subsection (g) shall be payable to the classes named in the following order and in the following amounts: (1) to the employee's spouse, forty per centum (40%) of the final average salary of such employee. In addition, the spouse shall receive a monthly allowance of ten per centum (10%) of such average salary for each child of such deceased employee; provided, however, that payment of any benefit to the widow on account of any child, shall be subject to all restrictions above imposed with respect to payment to a child; and provided, further, that the total amount of monthly allowance payable to the spouse for the spouse and for the children shall not exceed fifty per centum (50%) of the final average salary of the deceased employee. (2) If there is no eligible spouse, then there shall be paid to such deceased employee's child or children an amount equal to forty per centum (40%) of the deceased employee's final average salary. (h) The amount of a surviving spouse's allowance, provided for in (f) and (g), above, shall commence to accrue at the death of the deceased spouse and shall continue to accrue until the surviving spouse's death or remarriage, whichever may first occur. (i) Anything hereinabove to the contrary notwithstanding, any employee member who shall have accumulated in excess of thirty (30) years of creditable time shall be entitled, in addition to the retirement allowance hereinabove provided, to an additional monthly amount equal to one per cent (1%) of his final average salary multiplied by his number of years of creditable time in excess of thirty."

The proposed Act will amend Section 7 of said Act No. 470 so that said Section 7, as amended, will provide as follows:

"Section 7. Disability Allowances. (a) If any member of the system shall become totally disabled, either physically or mentally, to perform his customary duties, whether by reason of disease, injury, accident or otherwise, and the provisions of subsection (b) of this section shall not be applicable, then, in the event such total disability shall continue until the employee ceases to draw salary as an employee of the city, such disabled employee shall be entitled to a monthly allowance from the fund equal to two per centum (2%) of his final average salary multiplied by the number of years of his creditable time, and the amount of such disability allowance to commence to accrue on the date

on which the employee ceases to draw a salary as an employee of the city and to continue to accrue until such time as he is no longer disabled to perform his customary duties or substantially comparable duties. An allowance under this subsection of this section shall be known as 'an ordinary disability allowance. (b) If a member of the system shall become totally disabled, either physically or mentally, to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place, then in the event such total disability shall continue until the employee ceases to draw salary as an employee of the city, such disabled employee shall be entitled to a monthly allowance from the fund equal to seventy per centum (70%) of his monthly salary at the time of the accident resulting in such total disability, and the amount of such total disability allowance to commence to accrue on the date on which the employee ceases to draw a salary as an employee of the city and to continue to accrue until such time as he is no longer totally disabled to perform his customary duties or substantially comparable duties. An allowance made under this subsection of this section shall be known as an "extraordinary disability allowance but no disability allowance shall be made by the Board under this subsection of this section after twelve months after the accident resulting in such total disability, or if such accident occurred while the disabled person was employed by another than the city. No disability allowance shall be treated as an extraordinary disability allowance unless the resolution by which it is made contains the specification that it is an extraordinary disability allowance, and unless such resolution be passed within twelve months after the accident resulting in disability. In the event that an evtraordinary disability beneficiary should become separated from the service during continuance of total disability, and such total disability from such injury should thereafter cease, the board may, in its discretion, continue him on the disability roll until such time as, in the judgment of the board, he should be able to find suitable employment at a rate of pay equal to the rate of his disability allowance. (c) No disability allowance shall be made by the board until after satisfactory proof has been made to the board of total disability by certificate of at least one licensed and practicing physician or surgeon. The board shall have power to require certificates of more than one such physician or surgeon and such further proof of total disability as it may reasonably deem necessary. The board may from time to time require further such certificates and other proof to determine whether total disability still exists. No disability pay shall be allowable or paid to any person for any period for which such person is due or has been paid any salary from or by the city. (d) Resumption of active duty by a member of the system after cessation of active duty on account of total disability shall be conclusive evidence of termination of such total disability for the purposes of this act, and any subsequent cessation of active duty on account of total disability, whether by reason of the same or different cause, shall be treated as a new disability; provided, however, that if one who has become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place, should resume active duty within a time limit of twelve months after the accident resulting in total disability and for trial period or periods not exceeding an aggregate of one hundred eighty days within such time limit of twelve months after such accident, then such resumption or resumptions of active duty shall not be conclusive evidence of termination of total disability and such one shall not be prevented by such resumption or resumptions of active duty from showing that total disability resulting from such accident exists, or still continues, if such be the case. (e) If any disability beneficiary should become separated from the service and withdraw his contributions, or any amount pay-

able under Section 11, his right to continuance of disability benefits shall immediately cease. (f) For the purpose of computing disability pay, an employee shall be deemed to earn or to have earned salary at the same rate of salary as that which he shall be deemed to earn or to have earned salary for the purpose of deductions from salary under Section 3. (g) The board shall have authority to award an extraordinary disability allowance to any member brought under this act by amendment, even though the accident which caused such disability occurred prior to the effective date of such amendment under the provisions of this section as if such new member had been a member of the system at the time of such accident and provided further that such accident shall not have occurred more than twelve months prior to the effective date of such amendment.

The proposed Act will amend Section 8 of said Act No. 470 so that said Section 8, as amended, will provide as follows:

"Section 8. Reduction of Allowances. Any amount otherwise payable by the fund to any beneficiary for any month, or part thereof, because of retirement, disability or relationship to an employee shall be reduced by the amount, if any, paid or payable by the city to such beneficiary for the same month, or any part thereof, on account of the employment of said beneficiary during said month by the city; provided, however, this section shall not require the reduction of any benefit payable to a deceased employee's surviving spouse who was employed by the city on the date of such deceased employee's death, or the reduction of any benefit on account of salaries received by the beneficiary as an elected city official."

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 12, 19, 26, August 2, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 4th day of August, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act #216 of the Special Session of the Legislature of Alabama, 1966, Approved August 30th, 1966 (Acts of Alabama 1966, Page 268, et seq) entitled "An Act": To amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, entitled "An Act to provide a separate retirement and relief system for certain of the presently active

employees of the city of Birmingham who entered the service of the Police Department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as re-enacted and amended: To include in said separate system dependents of said presently active employees; and to render said Act No. 502 inapplicable to said certain presently active employees and their dependents."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 216 of the Special Session of the Legislature of Alabama, 1966, approved August 30, 1966 (Acts of Alabama 1966 Page 268) be and the said section is hereby amended so as to read as follows:

"Section 3. Contributions by Members of the System. At the end of each payroll period ending subsequent to October 1, 1955 the city shall deduct from the salary of each member of the system an amount equal to six percentum (6%) of his salary for such payroll period, provided, however, that for the purpose of such deductions pursuant to the provisions of this section no member of the system shall be deemed to earn or to have earned salary at a rate in excess of four hundred dollars ($400.00) per month. The proviso of the next preceding sentence, hereinafter referred to as the "four hundred dollar proviso," shall not have any part or further application to any member of the system who shall be or shall have become subject to the five hundred dollar limitation under or in accordance with the provisions of subdivision (a), or subject to the provisions of the subdivisions (b), (c), (d) or (e) of this section. (a) For the purpose of deductions from salary, a member of the system who shall be or shall have been a member of the system at September 1, 1957, and who shall not elect or shall not have elected in the manner and within the time hereinafter provided to remain subject to said four hundred dollar proviso, shall be deemed to earn or to have earned, at all past and future times, while a member of the system, salary at his actual rate of salary, but in no event at a rate in excess of five hundred dollars ($500) per month, except as hereinafter in this section provided. The aggregate of the monthly deficiencies of deductions from salary of any such member of the system during the period from October 1, 1955 (the effective date of this act) to September 1, 1957, resulting from the operation of the next preceding sentence, together with interest on each such monthly deficiency from the time such deficiency is deemed to have occurred to September 1, 1957, at the rate of three and three-tenths per centum (3.3%) per annum, shall constitute a liability of such member of the system to the city as of September 1, 1957. The amount of said deficiency and interest liability shall be the sum of the following: six per centum (6%) of the excess of salary of such member of the system over four hundred dollars ($400) and not over five hundred dollars ($500) for each month between October 1, 1955 and September 1, 1957, being the deficiency of deduction for each month between October 1, 1955 and September 1, 1957, plus interest on each of the aforesaid deficiencies from the end of the month for which computed to September 1, 1957, at the rate of three and three-tenths per centum (3.3%) per annum. Said deficiency and interest liability shall bear interest from September 1, 1957 at the rate of six per centum (6%) per annum. At the end of each payroll period ending after September 1, 1957, the city, in addition to deductions from salary hereinabove provided for, shall deduct from the salary of such member of the system for each such payroll period ending after September 1, 1957 an amount equal to five per centum (5%) of such deficiency and interest liability, together with interest thereon at the rate of six per centum (6%) per annum from September 1, 1957 until such deficiency and interest liability, together with interest thereon, has been fully paid and discharged. Any mem-

ber of the system subject to or burdened with such deficiency and interest liability or balance thereof may pay and discharge the same by direct payment to the city of the amount thereof, but if such deficiency and interest liability, with any interest thereon, be not paid or discharged in one or more of the manners hereinabove provided, it shall be paid or discharged as provided in Section 12. Any member of the system who shall be or shall have been a member of the system at September 1, 1957 may file with the comptroller at any time within fifteen (15) days after September 1, 1957 a written declaration to the effect that he elects to remain subject to the aforesaid four hundred dollar proviso, and in the event he so files such declaration he shall remain subject to said four hundred dollar proviso, and the sentences of this subdivision (a) preceding this sentence shall have no application to him. (b) For the purpose of deduction from salary, a member of the system who shall be or shall have been such member on or after September 1, 1966 shall be deemed to earn at all times subsequent to said September one-half (½) of his actual rate of salary but in no event at a rate in excess of five hundred dollars ($500.00) per month plus one-half (½) of his actual rate ofg salary in excess of such five hundred dollars (c) Any employee member of the system who shall be or shall have been such member on or subsequent to September 1, 1966, and who shall have earned in excess of $500 actual salary during any month prior to said September 1, 1966 for which no deduction was made from that amount of salary in excess of $500, may elect to pay into the Treasury for any one or more such months in amount equal to six per cent (6%) of one-half (½) of that part of such actual salary paid such employee member in excess of $500 in any such month, plus interest on such payment at the rate of four per cent (4%) per annum from the date of payment of the salary upon which such six per cent (6%) payment is based. Upon payment into the Treasury of any amount provided for in this subdivision (c), such member shall be entitled to have considered that amount of salary upon which such deductions and payments were made in computing his final average salary. No such member shall be entitled to take advantage of the election provided in this subdivision (c) subsequent to September 1, 1967, or subsequent to the time he has ceased to be an active employee of the city. (d) For the purposes of deduction from salary a member of the system who shall be or shall have been such member on or after September 1, 1969, shall be deemed to earn at all times subsequent to said September 1, 1969 salary at his actual rate of salary. (e) Any employee member of the system who shall be or shall have been such member or or subsequent to September 1, 1969, and who shall have earned salary during any month prior to said September 1, 1969, in excess of the amount for which deductions from salary were made under this Act or under Act No. 216 of the 1966 Special Session of the Legislature of Alabama may elect to pay into the Treasury for any one or more such months an amount equal to six percent (6%) of that part of such actual salary paid to such employee in any such month for which no such deductions or payments were made plus interest thereon at the rate of four percent (4%) per annum from the date of payment of the salary upon which such six percent (6%) payment is based. Upon payment into the treasury of any amount provided for in this subdivision (e) such employee member shall be entitled to have considered that amount of salary upon which deductions and payments were made in computing his final average salary. No such employee member shall be entitled to take advantage of the election provided in this subdivision (e) subsequent to September 1, 1970, or subsequent to the time he has ceased to be an active employee member. (f) The city shall promptly pay each and every deduction and direct payment in this section hereinabove provided for into the general treasury of the city (herein referred to as "the treasury"), and such deduction or direct payment, less, however, so much if any thereof as shall be in-

terest, shall be known as a contribution of the member of the system to the treasury. The comptroller is specifically charged with the duty of making such deductions from salaries and receiving such direct payments, and of paying into the treasury all amounts so deducted or received. All such amounts so paid into the treasury shall become and be part of the funds and assets of the treasury. The comptroller, however, shall keep a separate account of such amounts so paid into the treasury, of contributions of the members of the system to the treasury, of all disbursements made pursuant to the provisions of this act, and of all prior service time and paid membership time of members of the system. In the adjudication of claims under this act, the records of the comptroller made and kept for the purposes of this act shall be deemed prima facie, to speak the truth.

Section 2. Effective date: This Act shall become effective on the first day of the calendar month next succeeding the calendar month in which this Act shall be approved by the Governor or otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 12, 19, 26, August 2, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 4th day of August, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

By Messrs. Adwell, Meeks, Weeks, Waggoner, Kilgore, Cook (Jefferson), Holman, Jackson (T), Ellis, Watkins and Money:

H. 1505. To amend Sections 3, 6, 7 and 8 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966, (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate Retirement and Relief System for certain of the presently active employees of the City of Birmingham who entered the service of the Fire Department of said City prior to September 19, 1939, and to whom is applicable the Pension and Relief System provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956: to include in said separate System dependents of said presently active employees: and to render said Act No. 307 and said Act Number 22 inapplicable to said certain presently active employees and their dependents."

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1969 application will be made for the adoption

of an act which will amend Act No. 217 of the 1966 Special Session of the Legislature of Alabama, approved August 30, 1966 (Ala. Acts, 1966, Special Session, P. 280 et seq.), in the respects below stated.

As used in this notice the following terms have the meanings hereby ascribed to them: "Act 929" means Act No. 929 of the Legislature of Alabama of 1951; "Section 9" means Section 9 of Act 929 as said Section 9 now is, or as the same may be hereafter amended; "Limited System" means the Limited Firemen's System established by Act No. 217; "General System" means the General Employees' Pension System established by Act 929.

The proposed Act will amend Section 3 of Act No. 217 by requiring the City and the members of the Limited System to make contributions to the fund of the Limited System which shall always be at the same rates which Section 9 requires members of the General System and the City to make to the fund of the General System; and the proposed Act will also amend said Section 3 by inserting therein provisions which will accord members of the Limited System the same option to make contributions retroactively to the fund of the Limited System as Act No. 929 accords members of the General System to make contributions retroactively to the fund of the General System.

The proposed Act will amend Section 6 of said Act No. 217 by providing that any member of the System who shall be entitled to retirement allowance under subsection (a) of said Section 6 shall receive a monthly amount which shall be one and sixty one hundredths per centum (1-60/100%) of his final average salary multiplied by such number of years of his creditable time as shall not exceed twenty-five years of his creditable time, plus four per centum (4%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty-five years of his creditable time, but in no event shall such monthly retirement allowance exceed sixty per centum (60%) of his final average salary.

Sub-sections (b), (f), (g), (h) and (j) of Section 6 of said Act No. 217 will be amended so as to provide as follows: "(b) As hereinafter used in this Act certain words and terms here defined shall be accorded the definitions prescribed in the sentence next following. The term 'reduced retirement allowance' means the allowance for which this subsection (b) provides determined by the formula here stated; 'the retired' means the employee member entitled to receive the reduced retirement allowance; 'the date of separation' means the date of the retired's separation from the service and "accumulated creditable time' means the creditable time which the retired had to his credit on the date of separation. Any employee member who shall not be entitled to voluntarily retire and obtain a retirement allowance under subsection (a) of this section and who shall be separated from the service, voluntarily or involuntarily, having at least ten years' accumulated creditable time, shall be entitled to a reduced retirement allowance from the fund payable at the time and in the amount herein specified, provided he leaves in the fund the contributions thereto made by him; and provided, further, that no moral delinquency on his part contributes to his separation from the service. The payment of the reduced retirement allowance shall commence on the first day of the calendar month next following the retired's becoming 60 years of age.

The amount the retired shall receive monthly as reduced retirement allowance shall be determined by the following procedure:

(1) First, determine the amount of the retired's final average salary.

(2) Second, express in terms of years the retired's accumulated creditable time. (Such expression shall include the fraction of a year

of accumulated creditable time, to the extent provided for in subsection (c), below.)

(3) Third, multiply one and sixty one hundredths per centum (1-60/100ths%) by the number corresponding to the number of years of the retired's accumulated creditable time. The product obtained by the last named multiplication is referred to in (4), next below, as 'product 3'.

(4) Fourth, multiply the retired's final average salary by the lesser of the following: Product 3 or sixty per cent (60%). The product obtained by the last named multiplication is referred to in (5), below, as 'product 4'

(5) The amount of the retired's monthly retirement allowance shall be the prescribed percentage of product 4, which amount shall de determined by the following table:

MONTHLY REDUCED
RETIREMENT ALLOWANCE

Retired's accumulated creditable time	Percentage of Product 4 payable as a monthly reduced retirement allowance
Less than 10 years	None
10 to 11 years	50%
11 to 12 years	60%
12 to 13 years	70%
13 to 14 years	80%
14 to 15 years	90%
15 years or more	100%

(6) The percentage of product 4 determined by the retired's accumulated creditable time in accordance with the table in (5), above, is the monthly amount the retired will receive as his reduced retirement allowance."

(f) In the event of the death of any retired beneficiary in whose favor a monthly retirement allowance is accruing, or in the event of the death of any employee member entitled prior to his death to voluntarily retire and obtain a retirement allowance under subsection (a) of this Section 6, his spouse and child, or children, shall be entitled to a monthly allowance in the amount hereinafter specified in this subsection (f), subject to the conditions and limitations herein stated. No spouse shall receive any benefit under this subsection (f) unless such spouse was married to the deceased employee for at least five consecutive years while he was employed in the service of the city. No benefit shall be payable under this subsection (f) to a married child, or to a child over eighteen (18) years of age unless he is attending school, or to any child over twenty-one (21) years of age unless he is unable, because of physical or mental disability, to support himself. A child shall be deemed to be attending school during his vacation between school terms, provided he attended school during the next preceding term and expects to return to school when the next term commences. The benefit payable under this subsection (f) shall be an amount equal to fifty per centum (50%) of the retirement allowance the deceased employee was receiving when he died, or fifty per centum (50%) of the monthly retirement allowance he would have been entitled to receive had he retired immediately before his death. Such benefit shall be payable to the deceased employee's spouse, or child or children, in

the following order: (1) to the spouse; and (2) if there is no spouse eligible to receive the benefit, then to the child or children of the deceased employee, if any. If the spouse is ineligible to receive the benefit or having commenced to receive it becomes ineligible to continue receiving it, the benefit shall be paid to the child or children on the conditions prescribed. If two or more children are simultaneously entitled to receive the benefit, it shall be divided equally among the children so entitled. (g) If a member of the system be killed in the line of his duty his spouse, and child or children shall be entitled to a monthly allowance in the amount and order herein specified in this subsection (g), subject to the conditions and limitations herein stated. All of the limitations and prohibitions prescribed in subsection (f), next above, in respect to the payment of a benefit to a spouse, or child or children, shall apply to the payment of such benefit to a spouse, or child under this subsection (g); provided, however, that the benefit provided for by this subsection (g) shall be payable without regard to the time during which the marriage between the deceased employee and such spouse existed. The benefit payable under this subsection (g) shall be payable to the classes named in the following order and in the following amounts: (1) To the employee's spouse, forty per centum (40%) of the final average salary of such employee. In addition, the spouse shall receive a monthly allowance of ten per centum (10%) of such average salary for each child of such deceased employee; provided, however, that payment of any benefit to the spouse on account of any child, shall be subject to all restrictions above imposed with respect to payment to a child; and provided, further, that the total amount of monthly allowance payable to the spouse for the spouse and for the children shall not exceed fifty per centum (50%) of the final average salary of the deceased employee. (2) If there is no eligible spouse, then there shall be paid to such deceased employe's child or children an amount equal to forty per centum (40%) of the deceased employee's final average salary. (h) The amount of a surviving spouse's allowance, provided for in (f) and (g) above, shall commence to accrue at the death of the deceased spouse and shall continue to accrue until the surviving spouse's death or remarriage, whichever may first occur. (i) Anything hereinabove to the contrary notwithstanding, any employee member who shall have accumulated in excess of thirty (30) years of creditable time shall be entitled, in addition to the retirement allowance hereinabove provided, to an additional monthly amount equal to one per cent (1%) of his final average salary multiplied by his number of years of creditable time in excess of thirty."

The proposed Act will amend Section 7 of said Act No. 217 so that said Section 7, as amended, will provide as follows:

"Section 7. Disability Allowances. (a) If any member of the system shall become totally disabled, either physically or mentally, to perform his customary duties, whether by reason of disease, injury, accident or otherwise, and the provisions of subsection (b) of this section shall not be applicable, then, in the event such total disability shall continue until the employee ceases to draw salary as an employee of the city, such disabled employee shall be entitled to a monthly allowance from the fund equal to two per centum (2%) of his final average salary multiplied by the number of years of his creditable time, and the amount of such disability allowance to commence to accrue on the date on which the employee ceases to draw a salary as an employee of the city and to continue to accrue until such time as he is no longer disabled to perform his customary duties or substantially comparable duties. An allowance under this subsection of this section shall be known as 'an ordinary disability allowance.' (b) If a member of the system shall become totally disabled, either physically or mentally, to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course

of his employment in the service and occurring at a definite time and place, then in the event such total disability shall continue until the employee ceases to draw salary as an employee of the city, such disabled employee shall be entitled to a monthly allowance from the fund equal to seventy per centum (70%) of his monthly salary at the time of the accident resulting in such total disability, and the amount of such total disability allowance to commence to accrue on the date on which the employee ceases to draw a salary as an employee of the city and to continue to accrue until such time as he is no longer totally disabled to perform his customary duties or substantially comparable duties. An allowance made under this subsection of this section shall be known as an 'extraordinary disability allowance,' but no disability allowance shall be made by the board under this subsection of this section after twelve months after the accident resulting in such total disability, or if such accident occurred while the disabled person was employed by another than the city. No disability allowance shall be treated as an extraordinary disability allowance unless the resolution by which it is made contains the specification that it is an extraordinary disability allowance, and unless such resolution be passed within twelve months after the accident resulting in disability. In the event that an extraordinary disability beneficiary should become separated from the service during continuance of total disability, and such total disability from such injury should thereafter cease, the board may, in its discretion, continue him on the disability roll until such time as, in the judgment of the board, he should be able to find suitable employment at a rate of pay equal to the rate of his disability allowance. (c) No disability allowance shall be made by the board until after satisfactory proof has been made to the board of total disability by certificate of at least one licensed and practicing physician or surgeon. The board shall have power to require certificates of more than one such physician or surgeon and such further proof of total disability as it may reasonably deem necessary. The board may from time to time require further such certificates and other proof to determine whether total disability still exists. No disability pay shall be allowable or paid to any person for any period for which such person is due or has been paid any salary from or by the city. (d) Resumption of active duty by a member of the system after cessation of active duty on account of total disability shall be conclusive evidence of termination of such total disability for the purposes of this act, and any subsequent cessation of active duty on account of total disability, whether by reason of the same or different cause, shall be treated as a new disability; provided, however, that if one who has become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service and occurring at a definite time and place, should resume active duty within a time limit of twelve months after the accident resulting in total disability and for trial period or periods not exceeding an aggregate of one hundred eighty days within such time limit of twelve months after such accident, then such resumption or resumptions of active duty shall not be conclusive evidence of termination of total disability and such one shall not be prevented by such resumption or resumptions of active duty from showing that total disability resulting from such accident exists, or still continues, if such be the case. (e) If any disability beneficiary should become separated from the service and withdraw his contributions, or any amount payable under Section 11, his right to continuance of disability benefits shall immediately cease. (f) For the purpose of computing disability pay, an employee shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deductions from salary under Section 3 of this act, or under Act No. 22 of the Second Special Session of the Legislature of Alabama of 1956, whichever is applicable."

The proposed Act will amend Section 8 of said Act No. 217 so that said Section 8, as amended, will provide as follows:

"Section 8. Reduction of Allowances. Any amount otherwise payable by the fund to any beneficiary for any month, or part thereof, because of retirement, disability or relationship to an employee shall be reduced by the amount, if any, paid or payable by the city to such beneficiary for the same month, or any part thereof, on account of the employment of said beneficiary during said month by the city; provided, however, this section shall not require the reduction of any benefit payable to a deceased employee's surviving spouse who was employed by the city on the date of such deceased employee's death, or the reduction of any benefit on account of salaries received by the beneficiary as an elected city official."

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 12, 19, 26, August 2, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 4th day of August, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 217 of the Special Session of the Legislature of Alabama of 1966, approved August 30, 1966 (Acts of Alabama 1966 Page 280 et seq) Entitled "An Act" to provide a separate retirement and relief system for certain of the presently active employees of the city of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the Pension and Relief System provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956; to include in said separate system dependents of said presently active employees: and to render said Act No. 307 and said Act Number 22 inapplicable to said certain presently active employees and their dependents.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 217 of the Special Session of the Legislature of Alabama of 1966, approved August 30, 1966 (Acts of Alabama 1966, Page 280), be and the said section is hereby amended so as to read as follows:

"Section 3. Contributions by members of the System. (a) At the end of each payroll period ending subsequent to the effective date of this Act, the City shall deduct from the salary of each member of the system an amount equal to six per centum (6%) of his salary for such payroll period. (b) Any employee member of the system who shall be or shall have been such member on or subsequent to September 1, 1969, and who shall have earned salary during any month prior to said September 1, 1969, in excess of the amount for which deductions from salary were made under this Act or under Act No. 217 of the 1966 Special Session of the Legislature of Alabama, or under Act No. 307 of the 1943 Session of the Legislature of Alabama, or under Act No. 22 of the Second Special Session of the Legislature of Alabama of 1955 may elect to pay into the treasury for any one or more such months an amount equal to six percent (6%) of that part of such actual salary paid to such employee in any such month for which no such deductions or payments were made plus interest thereon at the rate of four percent (4%) per annum from the date of payment of the salary upon which such six percent (6%) payment is based. Upon payment into the treasury of any amount provided for in this subdivision (b) such employee member shall be entitled to have considered that amount of salary upon which deductions and payments were made in computing his final average salary. No such employee member shall be entitled to take advantage of the election provided in this subdivision (b) subsequent to September 1, 1970, or subsequent to the time he has ceased to be an active employee member. (c) The city shall promptly pay each and every deduction and direct payment in this section hereinabove provided for into the general treasury of the city (herein referred to as "the treasury"), and such deduction or direct payment, less, however, so much if any therof as shall be interest, shall be known as a contribution of the member of the system to the treasury. The comptroller is specifically charged with the duty of making such deductions from salaries and receiving such direct payments, and of paying into the treasury all amount so deducted or received. All such amounts so paid into the treasury shall become and be part of the funds and assets of the treasury. The comptroller, however, shall keep a separate account of such amounts so paid into the treasury, of contributions of the members of the system to the treasury, of all disbursements made pursuant to the provisions of this act, and of all prior service time and paid membership time of members of the system. In the adjudication of claims under this act, the records of the comptroller made and kept for the purposes of this act shall be deemed, prima facie, to speak the truth.

Section 2. Effective date: This Act shall become effective on the first day of the calendar month next succeeding the calendar month in which this Act shall be approved by the Governor or otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And

that there was published in said newspaper in the issues of July 12, 19, 26, August 2, 1969, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 4th day of August, 1969.

KAREN W. ABERCROMBIE,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1320. To the Committee on Local Legislation No. 1.

H. B.'s 1465, 1466, 1504 and 1505. To the Committee on Local Legislation No. 2.

ADJOURNMENT

At 11:05 P.M., on motion of Mr. Clark, pending further consideration of the Bill, H. B. 892, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 21, 1969, at 12 o'clock Noon.